

Attachment 7-1

DEPARTMENT OF FORESTRY AND FIRE PROTECTION

Humboldt – Del Norte Unit
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0300

September 4, 2002

Headwaters
 P.O. Box 188677
 Sacramento, CA 95818-8677

Please consider the following comments on the Draft Resource Management Plan (RMP) and Environmental Impact Statement / Environmental Impact Report (EIS/EIR) for the Headwaters Forest Reserve. These comments reflect the concerns of the Humboldt – Del Norte Unit of the California Department of Forestry and Fire Protection. We are the agency providing direct fire protection services for the Headwaters Forest Reserve.

Fire Protection Comments

Fire Regime and Hazard are discussed on pages 3-24 through 3-28. The natural fire regime describes an average fire return interval of greater than 500 years for natural stands. We believe the natural fire return interval for this stand is much lower, ranging from 50 – 120 years. This is due to a high slope location, lightning recurrence, fuel condition, and general stand age. Higher elevation redwood stands have been found to have return intervals as short as 6 to 10 years (Brown & Swetnam, 1994). Research in Humboldt Redwoods State Park has found fire return intervals averaging 16 to 25 years in upper slope positions (Stuart, 1987). The long return interval stated in the EIS/EIR tends to minimize the apparent risk of fire in the old-growth stands. The suppression strategy proposed, combined with the preferred alternative management strategies, are likely to create an increased risk of stand-replacing fire within the old-growth areas.

1-1

Fire Management is discussed on pages 4-28 through 4-30. Proposed management for the second-growth stands represents a reasonable approach: incorporating fuels treatment and suppression strategies appropriate to reserve status. However, the restrictions imposed on fire suppression activity within the old-growth areas present a substantial risk for a large wildfire – adversely impacting firefighter/public safety, loss of unharvested forest stands, and increased damage to neighboring ownerships. The proposed fire management direction does not appear entirely consistent with the stated management goals.

1-2

Preferred alternative management strategies reduce access to the old-growth stands through road removal and rehabilitation. No new access is proposed. Access for fire suppression will be difficult for ground-based resources. The use of aerial resources is also restricted as stated. This will ensure the establishment and growth of larger wildfires during adverse fire weather.

Modification of initial attack to eliminate the use of air tanker retardant and helicopter water/foam bucket drops is not recommended. Extended access time to fire established in the old-growth will require use of these tools to avoid the fire exceeding initial attack capability. These tools can keep the fire small and manageable until ground resources arrive. Without helicopter and air tanker retardant support, established fire will potentially threaten firefighter safety, the reserve, and surrounding ownerships.

Limiting use of chemical foam is not recommended. Use of chemical foams is also critical in effective mop up in heavy fuels as are found in the reserve. Without the option for the use of foam, extended commitment of resources for control and mop up will be needed.

Wildfire can result from several sources with the most likely ignitions in the reserve resulting from illegal fires and lightning. Suppression forces must be allowed the appropriate tools to be effective. Deploying aggressive suppression strategies is imperative to avoid significant environmental impacts. The Megram Fire of 1999 and the Sour Biscuit fire of 2002 are examples of impacts that can result from a less than aggressive initial attack. The EIR/EIS proposes old-growth fire management strategies (including fire monitoring) that have resulted in large, damaging, and expensive wildfires.

As the agency responsible for suppression, CDF disagrees with several of the proposed suppression strategies. We request that the aerial use of chemical retardants and foam suppressants be permitted in the reserve as necessary. We request that use of ground based retardants and foam suppressants also be permitted. We disapprove of the proposal to allow fires to burn during favorable fuel, weather, and topographic conditions. The weather conditions can change to create unfavorable conditions when the fire is no longer manageable. The practice of the art of wildland fire use is inappropriate when in proximity to developed areas such as Fortuna and Eureka.

The development of the fire operational plan needs to be a cooperative process. The limitations within the EIS/EIR will not permit the necessary leeway in developing an appropriate response to the dynamic conditions of wildland firefighting.

Resource Management Comments

Restoration of old-growth characteristics throughout the nonriparian areas of the Reserve is a desirable outcome of management, as specified in the management plan. It is appropriate to accelerate the development of old-growth stand conditions through the manipulation of young-growth stand densities in order to create additional old-growth habitat as quickly as reasonably possible. The prioritization of treatment areas specified in the management plan is appropriate.

Of the three alternatives presented for forest restoration, it appears that the preferred alternative (2A) is the most appropriate for achieving the desired old-growth stand condition. It is important to minimize the amount of slash created in a given entry in order to minimize the risk of a large, damaging fire; especially with the high visitor use the reserve is likely to receive. Alternative 2A will minimize the amount of slash development as a result of the multiple entries and lighter thinnings per entry. One treatment of the pole-sized stands, as provided for in Alternative 2A, is desirable for accelerating the development of these stands. Alternative 2A will have the added benefit of reducing the potential for windthrow, when compared to Alternative 2B, as specified in the EIS/EIR. The multiple entries of the shrub-sapling stands will allow greater opportunity to observe

1-2
cont.

1-3

1-4

stand development over time and select trees for retention that are best suited to become dominant in the stand.

Thank you for this opportunity to comment and we look forward to a cooperative working relationship in addressing our areas of concern.

1-4
cont.

Sincerely,

A handwritten signature in black ink, appearing to read 'K.R. Goings', written in a cursive style.

K.R. "Dick" Goings
Unit Chief

Literature Cited

Brown, P.M., and Swetnam, T.W. 1994. A cross-dated fire history from coast redwood near Redwood National Park, California. Can. J. For. Res. 24: 21-31.

Stuart, J. D. 1987. Fire history of an old-growth forest of *Sequoia sempervirens* (Taxodiaceae) forest in Humboldt Redwoods State Park, California. Madrono. 34(2): 128 – 141.



California Regional Water Quality Control Board

North Coast Region

William R. Massey, Chairman

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Environmental
Protection*

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Gray Davis
Governor

September 6, 2002

Headwaters

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Sacramento, CA 95818-8677

headwaters@jsanet.com

To Whom it May Concern:

Subject: Regional Water Board staff comments on the Draft Headwaters Forest Reserve Resource Management Plan/EIS/EIR

The following comments were developed based upon Regional Water Board staff review. Please contact Ms. Adona White of my staff at 707-576-2672 with questions or comments. Thank you.

Sincerely,

Nathan P. Quarles

Senior Water Resources Control Engineer

AW:tmk\HW_Mngmnet_plan_comments_v2.doc

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California Environmental Protection Agency



Recycled Paper

1. The Draft Headwaters Forest Reserve Resource Management Plan/EIS/EIR (Management Plan) does not assign priority to sediment delivery sites along the South Fork Elk River corridors. However, there are sites within the corridors that are currently discharging directly into anadromous fish bearing reaches, as observed by Regional Water Board field staff. As there are direct impacts to water quality from sediment delivery in such locations, priority assignment for restoration activities at such location is warranted.

2-1

2. The Management Plan includes extensive road and stream crossing rehabilitation to avoid catastrophic sediment delivery associated with poorly constructed and maintained roads. Regional Water Board staff support the proposed restoration activities and also recognize that the road rehabilitation work, especially considering the magnitude of the project, has high potential to deliver sediment into Elk River and Salmon Creek and their tributaries as the sites adjust in the short term. Post rehabilitation sediment delivery associated with these sites may be avoided or minimized through implementation of erosion control standards and can be detected in a timely manner through monitoring efforts. The Management Plan does not specify erosion control standards intended to avoid or minimize restoration-related sediment delivery to watercourses. Regional Water Board staff recommends that the Management Plan include an erosion control plan.

2-2

Table 4-7 specifies monitoring of potential sediment yield via annual inspections during the early period of substantial rainfall to determine any threat of imminent mass failure. Table 4-7 specifies monitoring of actual sediment yield to determine if sediment loads decrease as a result of forest and watershed restoration by measuring pool depth and volume in the summertime and turbidity on three streams in the Reserve during the rising limb of the hydrograph. The sampling design is apparently based upon monthly grab samples during the restoration activities, and annually once the restoration activities are completed. Regional Water Board staff recommends that a more rigorous approach be developed for monitoring the treatment sites and the instream conditions that would allow for timely response to sediment delivery sites.

2-3

In summary, Regional Water Board staff recommends that the Management Plan include an erosion control plan and monitoring plan for the restoration efforts. Further, staff recommend that such a program may be implemented as soon as feasible, as rehabilitation activities are well underway. Regional Water Board staff would be available to provide assistance in the development and implementation of such a program.

3. The Elk River watershed is listed as an impaired water body under section 303(d) of the federal Clean Water Act due to high instream sediment loads and associated adverse

2-4

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impacts to the beneficial uses of water. On February 28, 2002, the Regional Water Board directed staff to expedite the development of the sediment TMDL for the Elk River watershed with a completion date of August 2003, and also directed staff to require monitoring and technical reports, as necessary.

2-4
cont.

Due to the unconsolidated geology in the Elk River watershed and the lack of watershed or geology specific instream studies, instream data specific to Elk River is necessary to ensure development of appropriate instream targets for inclusion in the sediment TMDL. At this time, large landowners in the Elk River watershed are being required to conduct instream monitoring as part of TMDL development in order to characterize existing instream conditions, which will be evaluated with respect to hillslope conditions. Regional Water Board staff is currently working with BLM staff to allow Regional Water Board staff and timberland owners to conduct monitoring within the Headwaters Forest Reserve and the South Fork Elk River corridor. In addition Regional Water Board staff strongly urge BLM to be proactive in conducting monitoring in such a manner as to characterize instream and hillslope conditions, and incorporate into the Management Plan an approach for assisting TMDL development and implementation efforts. It should be noted that there is a potential for the monitoring described in comment (2) above to be coupled with TMDL development monitoring efforts. Again, Regional Water Board staff would be available to provide assistance in the development and implementation of such a program.

4. It appears that the impassible barrier specified in Little South Fork Elk River is blasting material from a quarry operated in the 1970's. Has there been an assessment of restoration possibilities to allow for anadromous fish migration?

2-5

"The energy challenge facing California is real. Every Californian needs to take immediate action to reduce energy consumption. For a list of simple ways you can reduce demand and cut your energy costs, see our Web-site at: www.swrcb.ca.gov."





UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
 REGION IX
 75 Hawthorne Street
 San Francisco, CA 94105

Ms. Lynda Roush
 Arcata Field Manager
 Arcata Field Office
 Bureau of Land Management
 1695 Heindon Road
 Arcata, CA. 95521-4573

September 3, 2002

Dear Ms. Roush:

The Environmental Protection Agency (EPA) has reviewed the Draft Resource Management Plan/Environmental Impact Statement/Environmental Impact Report (DEIS/DEIR) for the project entitled **Headwaters Forest Reserve, Humboldt County, California** (CEQ Number: 020214, ERP Number: BLM-K65241-CA). Our review is pursuant to the National Environmental Policy Act (NEPA), Council on Environmental Quality (CEQ) regulations (40 CFR Parts 1500-1508), and Section 309 of the Clean Air Act.

The Headwaters Forest was acquired by the Secretary of Interior and the State of California on March 1, 1999 to preserve the last unprotected large stand of old-growth redwood forest in the country. The 7,472-acre tract includes 3,088 acres of unharvested redwood groves, surrounded by 4,384 acres of previously harvested forest and brushlands. The US Department of Interior Bureau of Land Management (BLM) is charged with management of the Headwaters Forest Reserve (Reserve). The California Department of Fish and Game represents the state's interests in Reserve management.

The federal legislation authorizing the Reserve (1998 Interior Appropriations Bill) directed the Secretary of Interior to prepare a long-term management plan for the Reserve with the following management goal: "conserve and study the land, fish, wildlife, and forests occurring on such land, while providing public recreation opportunities and other management needs." The management plan has been developed to assure that human activities are compatible with the ecological integrity and preservation of the Reserve's land, fish, wildlife, and forests.

The plan is intended to provide the basis for management of the Reserve for the next 10-15 years. Ten management issues are addressed: watershed restoration; forest restoration; recreation management - southern access, trail system, bicycle use, and equestrian use; special-area designation - wilderness study areas, Wild and Scenic River, ecological reserve; and management revenue. The preferred alternative provides for full-recontour watershed restoration, moderate-intensity forest restoration, southern access confined to BLM tours, limited old-growth contact experience with an expanded but not extensive trail system, no bicycle or equestrian use.

3-1

wilderness study area designation for unharvested areas, ecological reserve designation, and BLM-sponsored tour user fees.

We commend the BLM and California Department of Fish and Game (CDFG) for a well written management plan that clearly states the mandated purpose and need for the plan, management goals, management direction, and implementation guidelines. Of note are the detailed prioritization of required work (e.g., pg. 4-15), detailed resource monitoring and evaluation plan, and consistency with the Northwest Forest Plan Aquatic Conservation Strategy and Survey-and-Manage Species Guidelines.

3-2

EPA supports the proposed resource management plan and its focus on maintaining the ecological integrity of the Reserve while assuring compatible and adequate public access and recreation opportunities. We recommend consideration of a universal user fee in order to help support and ensure rapid implementation of critical watershed and forest restoration activities. We also suggest pursuing potential Native American interests in participation in interpretive activities and in regards to traditional activities utilizing old-growth forest products (e.g., basket weaving).

3-3

Based upon our review, we have rated the document Lack of Objections. Please refer to the attached "Summary of Rating Definitions" for further details on EPA's rating system. While we support the proposed management plan, we note that the DEIS does not provide a lot of evaluation of the potential effects of the no action alternative or of cumulative impacts. As stated below, we recommend the Final EIS address these potential effects in more detail.

3-1
cont.

The condition of the Reserve under the interim management policy is the baseline/no action alternative for measuring potential impacts of the alternatives. The DEIS states that the impact of a proposed action on either ecosystem function or the human environment that involves continuation of interim management (i.e., no action) would be considered in this assessment to have no net effect (pg. 6-2). It is EPA's position that "no action" does not necessarily equate with "no impact." The evaluation of the status quo/no action should be in the context of historical biological resource trends or actual on-the-ground environmental conditions. It is possible for a continuing action to result in the continuation of an adverse ecological trend. We recommend the Final EIS evaluate in more detail the environmental consequences of the "no action" alternative and determine whether the continuation of the interim management policy will contribute to a declining, stable, or improving environmental condition.

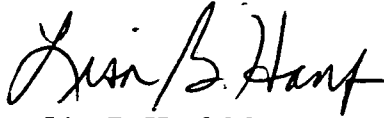
3-4

The DEIS also states that cumulative effects on ecosystem function are all beneficial, thus, obviating the need for a specific discussion of cumulative effects (pg. 6-1). We note that the National Environmental Policy Act specifically states that effects to be evaluated may "include those resulting from actions which may have both beneficial and detrimental effects, even if on balance the agency believes that the effect will be beneficial" [40 CFR Section 1508.8(b)]. We recommend the Final EIS provide a separate section summarizing the potential beneficial and adverse cumulative effects of the proposed management actions.

3-5

We appreciate the opportunity to comment on this DEIS. Please send two copies of the Final EIS to the address above (Mail Code: CMD-2) when it is filed with EPA's Washington, D.C. office. If you have any questions, please feel free to contact me or Laura Fujii, the primary point of contact for this project. Laura Fujii can be reached at 415-972-3852 or fujii.laura@epa.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Lisa B. Hanf".

Lisa B. Hanf, Manager
Federal Activities Office

Attachments: Summary of EPA Rating Definitions

Filename: headwate.wpd
MI003422

cc: BLM, Attn: Headwaters, Sacramento
Karen Kovacs, CDFG, Eureka
Phil Dietrich, USFWS, Arcata
Greg Bryant, NMFS, Arcata

SUMMARY OF EPA RATING DEFINITIONS

This rating system was developed as a means to summarize EPA's level of concern with a proposed action. The ratings are a combination of alphabetical categories for evaluation of the environmental impacts of the proposal and numerical categories for evaluation of the adequacy of the EIS.

ENVIRONMENTAL IMPACT OF THE ACTION

"LO" (Lack of Objections)

The EPA review has not identified any potential environmental impacts requiring substantive changes to the proposal. The review may have disclosed opportunities for application of mitigation measures that could be accomplished with no more than minor changes to the proposal.

"EC" (Environmental Concerns)

The EPA review has identified environmental impacts that should be avoided in order to fully protect the environment. Corrective measures may require changes to the preferred alternative or application of mitigation measures that can reduce the environmental impact. EPA would like to work with the lead agency to reduce these impacts.

"EO" (Environmental Objections)

The EPA review has identified significant environmental impacts that must be avoided in order to provide adequate protection for the environment. Corrective measures may require substantial changes to the preferred alternative or consideration of some other project alternative (including the no action alternative or a new alternative). EPA intends to work with the lead agency to reduce these impacts.

"EU" (Environmentally Unsatisfactory)

The EPA review has identified adverse environmental impacts that are of sufficient magnitude that they are unsatisfactory from the standpoint of public health or welfare or environmental quality. EPA intends to work with the lead agency to reduce these impacts. If the potentially unsatisfactory impacts are not corrected at the final EIS stage, this proposal will be recommended for referral to the CEQ.

ADEQUACY OF THE IMPACT STATEMENT

Category 1" (Adequate)

EPA believes the draft EIS adequately sets forth the environmental impact(s) of the preferred alternative and those of the alternatives reasonably available to the project or action. No further analysis or data collection is necessary, but the reviewer may suggest the addition of clarifying language or information.

"Category 2" (Insufficient Information)

The draft EIS does not contain sufficient information for EPA to fully assess environmental impacts that should be avoided in order to fully protect the environment, or the EPA reviewer has identified new reasonably available alternatives that are within the spectrum of alternatives analysed in the draft EIS, which could reduce the environmental impacts of the action. The identified additional information, data, analyses, or discussion should be included in the final EIS.

"Category 3" (Inadequate)

EPA does not believe that the draft EIS adequately assesses potentially significant environmental impacts of the action, or the EPA reviewer has identified new, reasonably available alternatives that are outside of the spectrum of alternatives analysed in the draft EIS, which should be analysed in order to reduce the potentially significant environmental impacts. EPA believes that the identified additional information, data, analyses, or discussions are of such a magnitude that they should have full public review at a draft stage. EPA does not believe that the draft EIS is adequate for the purposes of the NEPA and/or Section 309 review, and thus should be formally revised and made available for public comment in a supplemental or revised draft EIS. On the basis of the potential significant impacts involved, this proposal could be a candidate for referral to the CEQ.

*From EPA Manual 1640, "Policy and Procedures for the Review of Federal Actions Impacting the Environment."



THE LEAGUE OF WOMEN VOTERS OF HUMBOLDT COUNTY

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August 16, 2002

Headwaters
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To whom it May Concern:

In a letter dated June 13, 2000, addressed to the Headwaters Forest Reserve Management Plan, the League of Women Voters of Humboldt County (LWVHC) offered a number of comments based on positions of the League of Women Voters of the United States and our local League positions. In a review of the Bureau of Land Management and California Department of Fish and Game's Draft Resource Management Plan (RMP) and Environmental Impact Statement/Environmental Impact Report (EIS/EIR) for the Headwaters Forest Reserve we found that many of our comments have been addressed to our satisfaction in the Preferred Alternatives, for which we are most appreciative.

4-1

The following are the Preferred Alternatives which are supported by League positions:

- 1A: Full-Recontour Watershed Restoration
- 2A: Moderate-Intensity Forest Restoration
- 4B: Limited Old-Growth Contact Experience
- 5C: No Bicycle Use
- 6C: No Equestrian Use
- 9A: Ecological Reserve Recommended

The following are those League comments for which we found very limited or no consideration:

LEAGUE COMMENT: Any increased use of the Northern access should take into consideration the effect of increased traffic on Elk River Road.

LEAGUE OBSERVATION/RECOMMENDATION: This comment is noted in Table 6-1 of the Report as an Adverse Effect in the form of an "annoyance" to residents of Elk River Road. What is not considered are the increased safety concerns along this road as well as increased wear on the road surface. These factors should be considered as partial justification for instituting a small user fee for the reserve, especially for the use of the Elk River Corridor Trail. Alternative 10A "Universal User Fee" addresses this League recommendation.

4-2

LEAGUE COMMENT: A permitting process is recommended to regulate the number of visitors, the points of access, the times and seasons of access, and the impact on popular areas.

4-3



LEAGUE OBSERVATION/RECOMMENDATION: Large numbers of visitors, particularly along the Elk River Corridor Trail where there will be designated picnic areas, has the potential to cause significant degradation to the forest. The League continues to recommend that a permitting process be instituted.

4-3
cont.

LEAGUE COMMENT: Dogs should not be allowed in the Reserve.

LEAGUE OBSERVATION/RECOMMENDATION: On page 4-32 of the Report it is noted that "Dogs would be allowed in the Reserve on leash or within voice control, consistent with existing county ordinance, and only on the Elk River Corridor Trail. Depending upon levels of use, dog owners may be required to pick up and dispose of dog waste." While the League continues to recommend that dogs not be allowed in the Reserve, if dogs are allowed:

4-4

a. that decision should be reflected as a Preferred Alternative and addressed in Table 6-1:

Summary of Environmental Consequences; and

b. the requirements be:

- on a leash at all times
- owners clean up after their dogs (could have bags and disposal cans available)
- dogs only in Elk River Corridor Trail
- a review of the situation after 6 (12) months to re-evaluate the impact on the forest and on the people using the trail.

LEAGUE COMMENT: User fees should not be ruled out, but if they are adopted, the fees should be modest so that access is not limited.

LEAGUE OBSERVATION/RECOMMENDATION: The four Management Revenue Alternatives given in the Report are: Universal User Fee, BLM-Sponsored Tour User Fee (Preferred), Non-Tour User Fee and No Fees. The Report also notes in the findings of the Federal Fee Demonstration Program (page 3-34) that "All of the federal participating agencies report high public acceptance of the fee program. Approximately 90% of visitor respondents to agency surveys said the level of fees is 'about right' or 'too low'." The League recommends Alternative 10A: Universal User Fee as the Preferred Alternative and that the BLM-Sponsored Tour charge a "Tour Fee" and not a "Tour User Fee."

4-5

We thank you for all the work which has been put into the preparation of the Draft RMP and EIS/EIR and for the opportunity to review and offer our comments. We believe that citizen input is very important, and we hope that you will consider our points carefully. We look forward to seeing the final RMP and EIS/EIR for the Headwaters Forest Reserve.

Sincerely,



Nancy Kay, LWVHC President



Rudy Ramp, LWVHC Natural Resources Director

copies: LWVUS - Betsy Lawson, Senior Lobbyist
 LWVC - Robin Tokmakian, Natural Resources


PALCO
THE PACIFIC LUMBER COMPANY

P.O. Box 37, Scotia, CA 95565 (707) 764-2222

September 6, 2002

Ms. Lynda J. Roush
Bureau of Land Management
Arcata Field Office
1695 Heindon Road
Arcata, CA 95521

Ms. Roush:

Re: The Headwaters Forest Reserve Draft Resource Management Plan/EIR/EIS

The Pacific Lumber Company has reviewed the Headwaters Forest Reserve Draft Resource Management Plan/EIR/EIS (Draft plan) and submits the following comments:

The general plan to manage the forest to enhance its habitat quality is sound. However, your specific plan is flawed in at least three specific respects:

- | | |
|--|-----|
| <p>(i) BLM should conduct <u>High-intensity</u> forest restoration, not the lower intensity operations you propose, to enhance the available marbled murrelet habitat as soon as possible. Accelerated development of these stands will assist in the goals that the draft plan projects; such high-intensity operations "would result in nearly doubling the amount of quality nesting habitat for marbled murrelet and increasing the viability of the murrelet population by reducing bird vulnerability to natural and human-caused catastrophes."</p> | 5-1 |
| <p>(ii) Moreover, it is economically wasteful to simply fell trees and leave them on the forest floor. The harvest and sale of these trees would produce funds that could be used to supplement the funds available for conducting other activities across the Reserve.</p> | 5-2 |
| <p>(iii) Leaving trees on the forest floor would be inconsistent with the President's forestry program and would increase the risk of catastrophic fire that would defeat the whole purpose of the Headwaters project.</p> | 5-3 |

In our review of the management plan we have identified that the management goals for the preserve include preserving and expanding the nesting habitat for the marbled murrelet to the entire Reserve, exclusive of the Elk River corridor. One of the best ways to promote further development of larger trees that are appropriate marbled murrelet habitat is to manage the stand using a treatment of "thinning from below" or harvesting the smaller trees in the stand to eliminate competition and accelerate growth of the larger trees. Such benefits are acknowledged in several places throughout the draft plan. But

5-1
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your draft plan presents Moderate-intensity forest restoration as the preferred alternative to restore second-growth forests to achieve old-growth characteristic. This preference was identified even though High-intensity forest restoration was considered and found to have many similar advantages. We would recommend using High-intensity forest restoration.

5-1
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There were two main reasons given in the draft plan for the rejection of High-intensity forest restoration; 1) there would be excess fuel build up and 2) these stands are not "highly responsive to thinning."

The issue of fuel build up is no small point, but you don't take the point to its logical conclusion. Regardless of the intensity of forest restoration that occurs, it is imperative that fuel not be allowed to accumulate in these stands. High fuel loading exacerbates the risk of catastrophic fire, as recognized in the President's program. If an uncontrollable wildland fire were to start in Headwaters Forest all current efforts and protections in place for species would be negated. The entire stand could be destroyed and become entirely valueless to the very resource that it is focused on protecting and enhancing.

5-3
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Since fires in old-growth trees are particularly difficult to suppress it is even more important to prevent the establishment of fires in these types of stands. Fire in the overstory of old-growth stands results in direct effects to the marbled murrelet habitat by reducing it. Whereas, fire that eliminates the understory of old-growth stands is more indirect in that it increases marbled murrelet predation vulnerability. All issues associated with fire would be addressed and benefited by reducing the fuel loading of the area so that if a fire starts it has a lower probability of becoming uncontrollable and establishing in old-growth trees. Fuel build up would be greatly reduced by harvesting and selling the trees. Leaving them on the ground is non-sensical, because selling them not only will reduce fire risks but also provide needed revenue that could assist in paying for the expenses associated with decommissioning roads and other management activities throughout the Reserve. This type of reasoning underlies President Bush's new plan for preventing catastrophic fires on Federal lands.

Addressing the idea that these stands are not "highly responsive to thinning," this position is simply in error and inconsistent with other sections of the draft plan which state, "[t]he Reserve has extremely high capability for rapid growth and development of large trees," as well as, "In a study where thinning in second-growth redwood/Douglas-fir was conducted at four intensities, Oliver et al. (1994) found significant increases in growth parameters as thinning intensity increased, and he noted that leave trees responded with increased growth rates that correlated well with the intensity of thinning." Both of these quotes accurately reflect our experience in this geographic area and both statements

5-1
cont.

contradict the reasons given for eliminating high intensity management from consideration.

Management of these stands is vital as recognized in the draft plan: "Stand density manipulation will be used to achieve old-growth forest attributes within shorter timeframes than in unmanaged stands. Some unmanaged stands may never attain desired old-growth characteristics due to the deleterious effects of high density on crown development and growth rates." The resulting benefits of management are also documented in the draft plan,

For harvested stands in the Reserve, it is anticipated that thinning would accelerate the development of favorable structural characteristics from 100–200 years in untreated stands to approximately 50 years in treated stands. The actual benefit would depend on the thinning program adopted (2A or 2B). Thinning of trees in shrub-sapling stands in seed-tree harvested stands could result in the development of old-growth stand characteristics within 30 years. Pole harvested stands could begin to develop these characteristics in 15–30 years, and such characteristics would begin to develop in the shrub-sapling stands within 30–50 years. The development of old-growth characteristics, both of individual trees and communities, would result from the retention of dominant trees and elimination of slower growth individuals, faster tree growth by selected dominant trees as they are released from competition for sunlight and moisture, fuller development of tree crowns, and variable spacing allowing light penetration. Proper sizing and topographic placement of the openings would result in increased side lighting and the retention of side branches of selected dominant trees, important features of old-growth forests. Variable spacing would increase species richness by creating opportunities for plant colonization and by contributing woody debris to the forest floor. The more diverse plant communities that are created would be more resistant to catastrophic influences.

The draft plan provides all of the evidence and rationale as to why it is prudent and efficient to use High-intensity forest restoration and harvest the trees for profit to benefit the Reserve. We suggest that you modify the management plan to integrate these approaches.

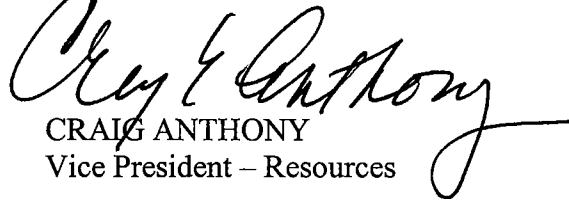
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Ms. Lynda Roush
September 6, 2002
Page 4

Thank you for your consideration of these comments.

Sincerely,

THE PACIFIC LUMBER COMPANY


CRAIG ANTHONY
Vice President – Resources

CA:ds

**Comments on the
Headwaters Forest Reserve Draft Resource Management Plan/EIS/EIR
Released May 2002 by the Bureau of Land Management, U.S. Dept. of the Interior
and California Department of Fish and Game**

**Submitted by the Bay Area Coalition for Headwaters
and the Environmental Protection Information Center**

September 5, 2002

We welcome the opportunity to participate in the planning process for the precious piece of Headwaters Forest that is now in public hands. The Bay Area Coalition for Headwaters (BACH) was formed in 1993 specifically to conduct public education and outreach in the San Francisco Bay Area regarding Headwaters Forest. The mission of BACH is to educate and build support in the Bay Area and other urban areas for the preservation of a biologically viable redwood forest.

BACH recognizes with appreciation the quantity and quality of the work carried out by the Arcata Field Office staff of the Bureau of Land Management (BLM) overseeing this planning process. We are relieved and happy to be able to support so many of the proposals in the Draft Management Plan (DMP) released by BLM in May 2002.

We also want to express appreciation to BLM staff for the information they have provided, the very helpful communication that has taken place throughout the planning process and particularly for the time staff spent setting up and participating in hikes with interested planning process participants in order to explore issues of the Preserve in detail.

We refer here to the acreage in question, that BLM calls the Headwaters Reserve, as the *Headwaters Preserve*, as we always have. We urge adoption of the name Headwaters Forest PRESERVE by the BLM, as it better represents stated management goals and reflects the prioritization of preservation and recovery of habitat. State of California legislation authorizing funding for purchase of the 7472 acres refers to the (then pending) acquisition as the *Headwaters Forest Preserve*, saying it "**shall hereafter be known as the Headwaters Forest Preserve.**" (AB 1986) The way the Preserve is represented to the public, who will not benefit from reading the details of the Management Plan, and the public's understanding of why this piece of forest was purchased, will end up being an important part of meeting the management goals. It was not purchased because we need more redwood forest recreational areas. It was purchased to preserve the habitat. The portrayal of the intent in the name goes a long way toward helping the public understand the management priorities.

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The goal of Headwaters Preserve management, as established by federal legislation is "*To conserve and study the land, fish, wildlife and forests occurring on such land while providing public recreation opportunities and [meeting] other management needs.*"

We refer to the definition of *conserve* as outlined in the Endangered Species Act: "To use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to [the ESA] are no longer necessary," 16 U.S.C. § 1532 (3). We look forward to long term management goals that focus on preservation and recovery of species so that as stated above, measures pursuant to the ESA are no longer necessary.

As BLM recognized in its news release of March 19, 1999, the management plan developed for the Headwaters Preserve should "*focus primarily on preservation of the unique natural resources which led to the public acquisition, including the old growth redwoods, habitats for threatened and endangered species and the watershed and stream values.*" The transfer to public ownership of this 7,472-acre parcel came as the result of more than 12 years of concerted effort by several non-profit organizations and thousands of individuals, as well as public figures and agencies. That effort "rescued" the land, in effect, from corporate profit-driven management and was carried out in recognition of the tremendous value of Headwaters Forest as a refuge for wildlife and plants that have seen their habitat severely fragmented, degraded and greatly reduced. Therefore, any management plan must first and foremost be a

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conservation strategy based on the principles of conservation biology. Conservation biology relies on the principles of ecology, studying biodiversity and the dynamics of extinction, and differs from other natural resource fields such as wildlife management, fisheries and forestry by accenting ecology over economics.

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Comments on specific sections and alternatives:

WATERSHED RESTORATION

We support the preferred watershed restoration alternative 1A: Full Contour Watershed Restoration. It is of utmost importance that alternatives chosen are ones that promote recovery. Road removal and restoration will reduce risk to species and also aid in recovery. We support the watershed restoration work currently being carried out within the Preserve, and the forest restoration work proposed in the DMP. The management goal of the draft plan to reverse cumulatively significant adverse effects of timber harvesting and road building is a necessary requirement for the long-term protection and restoration of the ecosystems and endangered species within the Preserve. While supporting the road removal and restoration, and recognizing that these erosion control treatments have been shown to significantly reduce sediment delivery from logging roads following relatively high-intensity storms (Madej, 2001), we are concerned that these restoration treatments themselves can inflict shorter-term damage. We would like to see a management strategy that includes water quality monitoring for impacts that might be caused by restoration activities. If adverse impacts are detected, management strategies could then be adapted to minimize those while still pursuing the goal of road removal and restoration.

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The channel of the Little South Fork of the Elk River is obstructed by sediment and other debris, forming a barrier to the upstream migration of anadromous fish. The BLM should consider this in the management plan and try to answer these questions: If the obstruction were removed, would the areas upstream provide useful habitat for anadromous fish species? What would it take to remove the obstruction? Would removal of the obstruction cause an adverse impact that outweighs the benefit of its removal?

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Although long-term goals are valid, the short-term adverse impacts are not adequately addressed. Work such as laying additional rock on streambanks to deal with the steep gradient on streams particularly when crossings are being taken out, may need to be done. There should be monitoring of impacts from the restoration work.

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Understanding the limitations placed by logistics and funding availability (affecting the time frame for restoration work), we recommend minimizing the use of heavy equipment when possible, in order to minimize downstream sedimentation and accompanying effects on aquatic species.

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FOREST RESTORATION

The Preserve contains areas where past timber harvesting caused unnatural disturbances to the forest. Consequently, in order to restore the old growth ecosystems, some human intervention is necessary. The moderate intensity restoration option has a balance between restoration and letting natural processes operate. Therefore we support the preferred alternative: 1A Moderate-Intensity Forest Restoration.

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The forest restoration activities in the plan do not appear to be connected with any monitoring of their effects on endangered species. Implementing monitoring along with the restoration work would help to better guide management activities towards the goal of species and ecosystem restoration.

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We would also like to express our support for two particular aspects of the forest restoration plan: that density-management treatments will not yield commercial forest products, and that herbicides will not be used.

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It is necessary that adequate funding be made available in order to fully implement both the Watershed and Forest Restoration alternatives.

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RECREATION MANAGEMENT TRAIL SYSTEM

As acknowledged in the DMP (6-39), in all the alternatives trails in the Preserve pose two significant impacts that are fairly unavoidable given human habits: dispersed human consumption of food, with the resulting discarded food scraps that will attract corvids, and noise from human presence. The more serious of these by far is corvid attraction, because corvids are well-known predators of marbled murrelets (see Impacts to Wildlife Species: Marbled Murrelets, below). As revealed in visitor surveys already conducted by BLM, food litter is already a problem on trails. Accordingly, we oppose most trail access and support keeping incursions by hikers at an absolute minimum, or confining their access to the areas that are not current nor high-potential marbled murrelet habitat.

Noise disturbance is an impact that must be considered. USFWS considers the zone of potential disturbance to marbled murrelets and spotted owls caused by trails to generally extend 0.25 mile beyond the trails (USFWS, as cited in DMP, 6-39). Both the Salmon Creek trail and the Little South Fork Elk River trail are within 0.25 miles of occupied marbled murrelet habitat (fig. 6-3, DMP) and are open to the public during marbled murrelet nesting season. BLM proposes to minimize impacts by prohibiting overnight camping and employing backcountry rangers to enforce restrictions. While we are in strong agreement with a prohibition on overnight camping, we do not consider policing to be adequate mitigation.

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Activities that generate large amounts of noise or create significant visual disruptions are most likely to affect marbled murrelets and may lead to take through harm and harassment. ("...marbled murrelets are likely to be taken in the terrestrial environment as a result of any activities that...(2) impair essential behaviors by adversely affecting occupied or unsurveyed suitable breeding habitat." MMRP, pg. 100). Due to the significant lack of disturbance-related information on marbled murrelets, it should be assumed that any amount of disturbance would result in negative impacts (MMRP, pg. 103).

In summary, due to potential impacts on marbled murrelets from recreation, the already fragmented nature of the wildlife habitat, and the desire to illustrate to the public that this is a refuge for wildlife, we recommend minimizing trail extent, use and access in every way possible. Recreational use of potentially suitable habitat for the murrelet could adversely affect the recovery of the species.

TRAIL SYSTEM: SOUTHERN ACCESS

Approximately 60% of the Salmon Creek watershed is within 0.25 miles of a marbled murrelet nesting site, the distance within which the USFWS estimates that human activity may adversely affect nesting behavior (DMP, 3-19, from USFWS 2000). Due to this proximity of marbled murrelet nesting sites and the good potential for additional marbled murrelet habitat in this particular area, we recommend closure of Salmon Creek access (Alt. 3 C), at least until such time that the marbled murrelet population recovers to the point that it is not in decline. We also recommend this closure in order to reduce the threat of corvid predation.

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Public access should be confined to the Elk River trail. We strongly oppose Alternative 3A (Southern Access available to individual vehicles). If a final management plan allowing southern access is adopted and is found to be legal, southern access should be allowed only under the provisions of alternative 3B, Southern Access confined to BLM docent-led tours.

In addition, according to the MMRP, one of the three key components in developing the strategy for marbled murrelet nesting habitat on Federal lands is "stabilization or improvement of nesting habitat through protection of all occupied sites (both current and future)." (MMRP)

Because the Preserve contains all of the headwaters of Salmon Creek, the watershed has a favorable chance of recovering from its present degraded state, the result of the subjection of 65% of the watershed to heavy logging and roading by the previous owner. The Salmon Creek watershed contains up to one third of the old growth forest in the Preserve, and so contains great potential for wildlife habitat once restoration is carried out. Industrial forest lands downstream of the Preserve, where salmon and steelhead are found, have recently initiated road decommissioning. (DMP, 3-6) We believe "stabilization and improvement of nesting habitat" is helped by keeping recreational use out.

We believe Alternative 3.C is consistent with the legislation authorizing creation of the Preserve because that legislation requires "adequate provision being made for public access to the property" (ref. to *8 of b, sec 501 of title V of DOI approp). The Elk River trail provides adequate public access and satisfies the statutory preconditions for the acquisition.

The use of the Salmon Pass trail, which follows an unnamed tributary to Salmon Creek for about one mile along an abandoned logging road, presents several problems. While it is, in some cases, better to use existing logging roads rather than constructing new trails, the road used for the Salmon trail is in need of extensive maintenance.

The Salmon Pass trail also crosses many other old roads, some of them skid trails leading directly into the ancient forest. The expectation that hikers will stick to trails is unrealistic, and hikers departing from trails present a significant problem through incursions into the fragile old growth habitat. We understand that this is one of the reasons for providing docent tours on the Salmon Pass trail, and at the time, we felt BLM was to be lauded for choosing this alternative to a permitting system. But there are two problems with this:

1. Though hikers who are on the docent tours would be prevented from going off-trail during the docent led hikes themselves, there is the potential for people to come back unescorted to the same trail. That this is a potential problem was reinforced by our encounter of unescorted, unpermitted hikers with an unleashed dog on this trail during our hike with BLM staff in August of 1999. This was before the southern portion of Preserve was even open to hikers, and the hikers claimed to be unaware of the rules.
2. If, at some point in the future, BLM lacks the budget or infrastructure support to continue to provide docent tours, this trail would already be in public use, and pressure to continue access would be present.

If a trail exists (particularly if it is the only access to old growth forest), people will use it to enter unescorted. The docent hikes were part of an interim management plan to provide limited access. Now that the Final Management Plan is being developed, and a better alternative in Lower South Fork is being developed, the southern portion of the Preserve can be closed in order to better fulfill the habitat preservation goals.

Also, because corvids often follow roads to look for potential prey and because of the facts that the network of roads still exists and the hiking trails are on sites of old skid roads, this is a pathway for them into the old growth and occupied habitat.

At the northern access to the Preserve, problems can even be expected with South Fork Elk River trail, as noted in the survey regarding effects on murrelets in DMP (6-37): "Picnic sites ... in the Elk River corridor ... [are] relatively distant from the old growth groves. Nevertheless, corvids attracted to the corridor for feeding would be able to easily probe into the central portions of the Preserve. To the degree that behavior of hiker cannot be controlled, the discarding of food wastes at any location along the trails system must be anticipated." Noting that "there may be some unquantified, unmitigated

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adverse impacts," (6-38) BLM acknowledges that a risk to murrelets from predation from any and all hiking access exists. This risk can and should be eliminated by closing the southern access.

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Therefore, due to the proximity of murrelet sites to the Salmon Creek trail, the expectation of corvid problems resulting from use of that trail, the value of the Salmon Creek watershed in its entirety, and the access the Salmon Creek trail potentially provides to the main Headwaters Grove, particularly if docent tours are suspended at any time, we strongly recommend closure of the Salmon Creek trail to the public (Alternative 3C).

Regarding proposals for picnic sites:

Four picnic sites are proposed as shown in figure 4-2 in the DMP, all in the Elk River trail corridor. Although BLM states that visitors will be "encouraged to contain food items in designated picnic sites and to pack out food," there is no way to guarantee all visitors will do this. Visitors to the Preserve have already reported litter problems in surveys to BLM, and these will only worsen. Picnic sites on trails in the Preserve are inappropriate, as they will inevitably be repositories for food scraps, bringing in predator species that present a significant risk to the murrelet population.

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There should be picnic tables ONLY at the staging area. If there are benches for hikers along Elk River trail, they should be benches only, not tables. Picnic tables are a clear invitation for people to bring food into the Preserve and this should be discouraged in every way possible.

There should be provisions for frequent trash pick-ups at intervals deemed appropriate based on visitor volume. There should be wildlife-proof trash containers for visitors' use, with signs encouraging the deposit of any food residues. There should be more interpretive information regarding risks to marbled murrelet population from recreational activity, and in particular from improperly discarded food scraps' attracting corvids. The language used in BLM's brochure and signs at the Elk River Road kiosk are a good start, but more information should be provided to visitors. In the Preserve we have an opportunity to measure the impacts to marbled murrelets in an area where there has not been recreational activity, and where that activity and its concomitant effects are kept to a minimum from the beginning. Wildlife managers have encountered problems at areas such as Big Basin State Park, an important murrelet area that is suffering from the impacts of recreational access. In fact, there are efforts underway in Big Basin to move some campgrounds that are directly under nest trees and directly effect endangered murrelets. (personal conversation with biologist David Suddjian, 8/14/02)

The "possibility" of a Visitor Center is mentioned in the DMP (6-27), a possibility we oppose. We would instead like to explore the idea of integrating local experts who have worked on Headwaters Forest preservation into Preserve educational programs.

We would like to see primitive facilities at the Elk River trailhead that provide for basic visitor needs. The existing parking area, accessible toilet facilities, educational kiosks and picnic tables are sufficient. There is neither demand nor need for amenities or more developed facilities at the Elk River trail, except for additional educational information. There is public support for minimal development and facilities that illustrate the goal of minimal impact on wildlife habitat.

In summary, because we have the opportunity to start out with a landscape fairly unaffected by recreational use, we strongly recommend confining any picnic facilities at all to the staging area—the Elk River trailhead near the parking lot and the kiosk. We oppose any picnic tables at sites further down the trail as shown on map 4-2.

TRAIL SYSTEM: OLD GROWTH CONTACT

BACH recommends Alternative 4 C: No Significant Old Growth contact experience and maximum preservation of old growth forests, while at the same time supporting a limited re-routed Little South Fork Elk River trail. (see below)

This alternative is consistent with the legislation authorizing creation of the Preserve because that legislation requires "adequate provision being made for public access to the property" (HR 2107-68 DOI Appropriation. Appendix C). Access to the riparian habitats and second growth forests of the Preserve fulfills the mandate of "adequate provision" because "adequate" in its definition means 1. sufficient to a specific requirement, or barely sufficient or satisfactory 2. lawfully and reasonably sufficient (Merriam-Webster English dictionary). Since there are no further stated legal requirements or other specific requirements that public access provisions would be measured against, adequacy can be measured in general terms.

Moreover, the goals established by Congress (1998 Interior Appropriations Bill, quoted 2-2 in DMP) are to "conserve and study the land, fish, wildlife, and forests occurring on such land, while providing public recreation opportunities and other management needs." Congress also directed that the plan guide general management of the Headwaters Forest and address the following management issues:

- scientific research on forests, fish, wildlife and other such activities that shall be fostered and permitted on the Headwaters Forest;
- providing recreation opportunities on the Headwaters Forest;
- access to the Headwaters Forest;
- construction of minimal necessary facilities within the Headwaters Forest so as to maintain the ecological integrity of the Headwaters Forest;
- other management needs.
- an annual budget for management of the Headwaters Forest, which shall include a projected revenue schedule (such as fees for research and recreation) and projected expenses.

The legislative direction mandates a "hierarchy of priorities in land management, in which resource conservation, maintenance of ecological integrity, and research are the primary purposes of creating the [P]reserve. Recreation, facilities development, and management needs must be subordinate to this primary purpose." (from Chapter 2, DMP, emphasis added)

Meeting public access goals should not conflict with management goals described in the Forest Restoration section: "Restore second-growth forests to achieve old-growth characteristics. Adjacency to existing undisturbed old growth systems further elevates priority. This restoration would serve to expand the size and effectiveness of core areas of optimal habitat" (4-18)

We oppose 4A and 4B (Extensive Old-Growth Contact and Limited Old-Growth Contact Experience, respectively). Although 4B, BLM's preferred alternative, is much sounder than 4A, providing access to old growth groves from both the north and south is unnecessary and poses significant risk to nesting marbled murrelets. As noted in DMP (6-29), alternative 4C still allows access to the riparian zone but maximizes protection of the ecosystem integrity. Though eliminating the public's opportunity to experience the old growth ecosystems for which the Preserve was acquired, as noted by the DMP (6-29), we maintain that the old growth qualities "for which the public acquired" the Preserve lie in its value as habitat for endangered and threatened wildlife. The noted adverse impact of "displeasing visitors" is minor compared to loss of species populations, and pleasing visitors is not within the scope of the management goals.

The potential impacts were analyzed with the assumption that people will stay on the marked trails. While many people have been sensitized to the fragility of the old growth forest, a wide variety of people can be expected to visit this area. As noted above, it is wholly unrealistic to expect that everyone will follow signs to the letter, stay on the trail and strictly follow rules, such as a prohibition on

bringing food into the area. Examples abound of areas that have been trampled and compacted, wildlife that has been frightened away by potential observers, and areas and species that have been "loved to death." Transgressions by well-meaning visitors could have significant impact. Even greater impact could come from unaware visitors who assume their one orange peel could not possibly endanger a bird nesting high in the canopy, or who assume they have the "right" to hike through a creek for a better look at a particularly large tree. Keeping visitors out of the old growth with sufficient explanation provides an opportunity for important public education.

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In summary, recognizing the difficulty in balancing a mandate for public access and a high degree of protection for old growth habitat, we maintain the least-risk solution is to restrict access to old growth areas right from the beginning, so that expectations of recreationists not aware of habitat vulnerabilities are not raised. Portray this area as a wildlife preserve, and do not include access to old growth as a recreational goal.

RECREATIONAL ACCESS:

RE-ROUTING OF LITTLE SOUTH FORK ELK RIVER TRAIL

We greatly appreciate the sensitivity with which BLM has approached the assessment of the re-routing of the Little South Fork Elk River (LSF) trail. After becoming more fully oriented to problems with the existing LSF trail, we stand in full support of decommissioning that trail, which runs along an old skid road, for the sake of protecting the watershed and preventing unauthorized incursions into the main old growth grove. While the initial section of the new (proposed) LSF trail is along an old skid road and on the western border of the Preserve, we would propose that the trail loop only into the northwesternmost portion of the old growth island to the north of the main grove. It should then loop back to the skid road trail and not penetrate as far into the old growth as the map in the DMP illustrates. It is difficult to be precise as to coordinates, since the illustration in the DMP is only a fairly generalized location, and proposals from the Redwoods Community Action Agency (RCAA) trails feasibility study have not yet been received, but we believe the bottom loop should follow the contours of the terrain so that hikers are led out of the old growth. From our reading of the map, our suggestion is that this should occur at around the 1300-foot level.

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We would like to know when the RCAA proposal is to be received by BLM. Will the public be given an opportunity to review the suggested routes prior to a trail proposal in the final Management Plan? We would like to be able to review the trail feasibility study in order to offer our comments.

To explain trail routes to the public, there should be more detailed interpretive displays and perhaps interpretive programs with a more in-depth explanation of murrelet populations, habits, nesting season and vulnerabilities. We at the Bay Area Coalition for Headwaters and other non-profits could assist in developing such programs and materials. We will address this subject in a later communication to BLM.

We note in the DMP that a spotted owl site is located on the proposed Little South Fork trail (see fig. 3-7). The impact of the trail on this spotted owl site is not addressed. Given that the stated "desired outcome includes provisions for recreation access to the Preserve at times and in locations that do not significantly adversely affect activities of old-growth dependent species" (DMP, 4-3) and that a stated management goal is "protection of existing habitat and expansion of suitable habitat for nesting, roosting, foraging and dispersal habitat at the reserve." (DMP, 4-7), the location of a trail that traverses through a spotted owl nest site (DMP, fig. 3-7) could adversely affect the population of Northern Spotted Owls in the Preserve and surrounding area.

Again we note that Preserve goals include restoring second growth forest to achieve old growth characteristics, and that in regard to the stated priority of areas adjacent to existing undisturbed old growth systems, the DMP states that adjacency "further elevates priority" (4-18). The Little South Fork area fits these criteria.

In addition, 1500 acres in the Upper Little South Fork watershed are covered with high quality virgin old growth (3-6), and protocol-level surveys have not been conducted in the Lower Little South Fork Elk River watershed. For all of these reasons, we strongly support the decommissioning of the existing Little South Fork trail.

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In summary, we recommend the proposed re-route on the old (existing) skid trail on the border of the Preserve, but we recommend shortening the loop as the trail travels south from that skid trail, limiting access to the old growth to the very edge. We would like to continue to work with BLM on a proposed route once the RCAA information is available. This position constitutes qualified support of one component of Alternative 4B (re-routing of the LSF trail), while supporting Alternative 4C.

RECREATIONAL ACCESS: DOGS

The DMP states that dogs would be allowed on the Elk River trail on a leash or within voice control (4-32). The presence of any dogs is inappropriate and inconsistent with the purposes of the Headwaters Forest Preserve. The mere sound and smell of a canine terrorizes wildlife; the forest becomes silent when there is a dog in the vicinity. This, in turn, denies humans the experience of wildlife. The presence of dogs in the Preserve would also impact the experience and enjoyment of those persons intimidated by dogs. Here too violation of rules must be taken into account, with the expectation that dogs will be allowed by some owners to run free, further compromising habitat. We strongly oppose any off-leash dogs anywhere in the Preserve.

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RECREATIONAL ACCESS: UNIVERSAL ACCESS TRAIL

The first segment of the Elk River Trail should be the Universal Access. We oppose siting the Universal Access trail at Alicia Pass as shown in Map 5-1.

Section 504 of the Rehabilitation Act, 20 U.S.C. Sec. 794, and the Department of Interior's implementing regulations, 43 C.F.R. Part 17, require "meaningful" access to federally funded "programs and activities" and prohibit operation of any federal or federally funded program or activity that has the effect of excluding disabled people. If construed very broadly, i.e., as the "program" of providing recreational access to old-growth forests in general, the Department of Interior and Department of Fish and Game have probably provided "meaningful" access in Redwood National Park. For the reasons stated, we oppose all human access to old growth areas, but we encourage the BLM and DFG to ensure that the areas where access is appropriate are accessible to persons with disabilities, as required by law. Perhaps some portion of the Elk River Trail could satisfy this requirement.

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Other accessible old growth coastal redwood forest exists in: Henry Cowell State Park, Big Basin State Park, Oregon Redwoods, Muir Woods National Monument, Prairie Creek State Park, Armstrong Redwoods State Park, Samuel P. Taylor State Park, Purisima Creek Redwoods Open Space Preserve, Portola Redwoods State Park, Humboldt Redwoods State Park, Jedediah Smith State Park and Van Duzen River county parks.

In summary, we recommend the view that the only appropriate siting of a Universal Access trail is on the Elk River trail, which already has pavement and width to accommodate that access. Principle access in the Preserve is to riparian habitat, so access at the Elk River trail would provide for equal access.

RECREATIONAL ACCESS: BICYCLE, EQUESTRIAN USE

We support BLM's preferred alternatives 5C and 6C: No bicycle or equestrian access in the Preserve. Mountain bike and equestrian use have the potential to cause significant adverse environmental impacts, such as increased erosion and soil compaction. They can destroy vegetation, degrade water

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quality, and disrupt the native vegetative balance by introducing and spreading invasive non-native plant species.

We support the BLM position on prohibiting horses in the Preserve for many reasons, including those impacts cited in the DMP. It is not possible for horses to "leave no trace." Certainly horse feces degrade the human experience. Sharing trails with horses intimidates humans and exposes them to tetanus through contact with horse manure. Horse feces carry seeds and provide a vector avenue for invasive non-native plants. In addition, corvids search feces for food. (Roth et al, 1999) Equestrian use demands much greater trail maintenance. It would detract from the stated management goals, and moreover, there is currently no parking for horse trailers (nor should there be!).

The cumulative impacts of these intrusions are unnecessary in that sufficient alternatives already exist near the Preserve. The following nearby public lands – some of which are underutilized – provide mountain bikers and equestrians with a redwood forest ecosystem experience:

- Redwood National Park
- Humboldt Redwoods State Park
- Prairie Creek Redwoods State Park
- King Range National Conservation Area
- Sinkyone Wilderness State Park
- Jedediah Smith Redwoods State Park

These 6 parks comprise more than 240,000 acres of redwood forest with more than 100 miles of trails open to mountain bikers and equestrians. Headwaters Forest was acquired to protect and preserve the ecological values of this unique ecosystem. Mountain biking and equestrian use could have a profound detrimental effect on that goal.

In addition to the parks listed above the following public lands also accommodate mountain bikes and equestrians:

- Six Rivers National Forest
- Smith River National Recreation Area
- Tolowa Dunes
- Sequoia Park
- Arcata Community Forest
- Mattole Beach
- Honeydew Campground
- Nadelos Recreation Site
- Wailaki Recreation Site

Old Growth forest experience is also available in Van Duzen County Parks, Tooby Memorial Park, Freshwater County Park and A.W. Way County Park

In summary, we fully support BLM's preferred alternatives 5C and 6C. We would like to see information provided either through the BLM or at the Preserve itself regarding other recreational opportunities available nearby to bicyclists and equestrians.

IMPACTS ON ENDANGERED PLANT SPECIES

The Headwaters Preserve is home to a trillium of particular concern (*Trillium Ovatum*) that is not on BLM's list of plant species of concern. In addition, there have not been adequate plant surveys in the Preserve, which means there may well be endangered plant species within it that have not yet been discovered. There are also endangered plants identified as species needing classification as "survey and manage" species known to be living in the area.

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IMPACT OF PROPOSED ACTIVITY ON THREATENED AND ENDANGERED SPECIES: AQUATIC SPECIES

One of the many species deserving special consideration in the management scheme is the coho salmon (*Oncorhynchus kisutch*). The coho, together with its close relatives, chinook salmon (*O. tshawytscha*) and steelhead trout (*O. mykiss*), is listed as "threatened" pursuant to the federal Endangered Species Act. 62 Fed Reg. 24588, May 6, 1997. Federal statutes and regulation currently prohibit activities that result in a "take" of coho. (16 U.S.C. § 1532 (g); 62 Fed Reg. 38479, July 18, 1997. "Take" is defined as "to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct" (16 U.S.C. § 1532 (19)). Federal regulation further defines "harm" as "an act which actually kills or injures fish or wildlife. Such an act may include significant habitat modification or degradation which actually kills or injures fish or wildlife by significantly impairing essential behavioral patterns, including breeding, spawning, rearing, migrating, feeding or sheltering." (50 C.F.R. § 222.102; 64 Fed. Reg. 60731.

Coho are present in the South Fork Elk River, the uppermost portion of which originates in the northeastern corner of the Headwaters Forest Preserve. The Little South Fork Elk River, an important and nearly pristine tributary, also has its headwaters in the Preserve. Dr. Peter Moyle, a world-renowned expert on salmonid biology, has declared that the South Fork Elk River is one of the most important rivers remaining in California for wild, naturally spawning coho salmon. This river is essential to the conservation of coho and must be given utmost protection.

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As Dr. Moyle stated in his declaration of June 17, 1996, "Salmon populations have declined by over 95% in the last 50 years, and about half of all California streams that once contained runs of coho no longer do, and most of the remaining runs are very small, so that local extinctions are likely...This means that any stream that contains a significant run of wild coho salmon deserves special protection from factors that have contributed to the decline of the salmon (and other anadromous fishes). The Elk River, including the South Fork, contains a significant run. The exact numbers are not known because of limited survey information, but counts of redds, carcasses of spawned out fish, and living fish indicate that the drainage supports a run of at least 400 fish per year, which is perhaps 5-10% of wild coho spawners left in California. This also makes the Elk River one of the most important coho spawning streams in the region and a potential source of fish to recolonize degraded streams in the region, if such streams are subject to major restoration efforts.

Salmon Creek, once a thriving salmon stream but now in a degraded state due to logging and road building, is nonetheless restorable salmon habitat. The BLM must, by law, ensure that its actions will not result in "adverse modification" of critical habitat. ESA § 7 (a) (2); 16 U.S.C. §1536 (a) (2) "Adverse modification" is direct or indirect alteration that reduces the value of critical habitat for survival and recovery." 50 C.F.R. §402.02. There should be a fisheries recovery plan with goals and implementable steps.

In summary, to protect the aquatic species and their habitat in the Preserve, we recommend the following: closure of the southern access (to better protect the Salmon Creek watershed); monitoring of short term and long term impacts of watershed restoration projects; consideration of impacts from activity on surrounding corporate forestlands in developing a recovery plan for the fisheries in the Preserve; and Wild and Scenic River designation for all three streams in the Preserve, in order to protect the free-flowing character and outstanding values of the streams and the fisheries.

IMPACT OF PROPOSED ACTIVITY ON THREATENED AND ENDANGERED SPECIES: MARBLED MURRELET

Marbled murrelet populations in California have declined from an estimated 6000 individuals in 1989 to an estimated total of 4000 individuals in 1997, a drop of 33% in less than 10 years (Nelson, the Marbled Murrelet Recovery Plan (MMRP). The DMP cites an opinion that approximately 25% of the

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marbled murrelet reproductive activity in the southern Humboldt region may occur in the Preserve (Ralph et al. 1997, cited DMP 3-18). Given these numbers, the results of numerous scientific studies and the continued loss of habitat, primarily due to logging of old growth and residual forest stands in surrounding areas, it is clear that the Headwaters Preserve stands as an extraordinarily important habitat area for recovery and, indeed, continued survival of the marbled murrelet population in Northern California.

The marbled murrelet (*Brachyramphus marmoratus*) is currently federally listed as threatened pursuant to the federal Endangered Species Act (ESA) and as endangered pursuant to the California Endangered Species Act (CESA). It is estimated that the species has lost over 96% of its original nesting habitat. With only an estimated 5,000 to 7,000 individuals surviving in California, the murrelet population has plummeted over 90% from its original estimated size and continues to decline rapidly. Some scientists believe the population has declined in Humboldt County up to 13%. (Stanley, 1998)

The marbled murrelet population may decline until it eventually reaches an equilibrium with the amount and quality of nesting habitat available, or is extirpated in the three-state area. The weight of evidence indicates that the major factors in marbled murrelet decline from historical levels in the early 1800's are 1) loss of habitat and 2) poor reproductive success in the habitat that does remain (MMRP, pg. 43).

The federal Marbled Murrelet Recovery Plan (MMRP) contains the best available scientific information about the status of marbled murrelets. The information in the Recovery Plan indicates that it is reasonable to believe that the very existence of marbled murrelets in the region, and perhaps their viability throughout the Pacific Coast south of Alaska, could be significantly affected by actions taken at Headwaters Forest.* The importance of the southern Humboldt population has been stressed by numerous scientists, who suggest that the loss of the southern Humboldt population appreciably increases the likelihood of the complete loss of all murrelets in Conservation Zone 4. This zonal population loss would constitute such a major impact to the listed species that recovery probably could not be realized. (Carter, 1998) Moreover, a report on the state of the central California population of murrelets characterizes that population as a "classic sink population" in that it is not viable without immigration from "source populations," and opines that persistence of murrelets in central California may depend in part, on the demographics of murrelet populations to the north. (Peery, Beissinger et al).

The murrelet's endangered status makes it incumbent on BLM and DFG to implement the federal recovery plan strategy. Under CESA, California state agencies also have a duty to help recover endangered species per Fish and Game Code sections 2053, 2055, and 2061, cited at end.

Section 9 of the Endangered Species Act prohibits unauthorized "take" of endangered or threatened species. The ESA mandates that federal agencies proposing an action that "may affect" the marbled murrelet consult with the U.S. Fish and Wildlife Service regarding the effects of the action. Final approval of and implementation of the Management Plan must be contingent upon findings of that consultation.

Section 7(a)(2) of the Endangered Species Act states that it is the federal agency's responsibility, with the assistance of the U.S. Fish and Wildlife Service, to insure that the action is not likely to jeopardize the continued existence of the species. Section 3(10) of the Endangered Species Act defines the term "take" to include "harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect or attempt to engage in any such conduct." The terms "harm" and "harass" have been further defined by regulations in 50 C.F.R. §17.3, as follows.

Harass means an intentional or negligent act or omission that creates the likelihood of injury to wildlife by annoying it to such an extent as to significantly disrupt normal behavioral patterns that include, but are not limited to, breeding, feeding, or sheltering.

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Harm means an act that actually kills or injures wildlife or injures wildlife. Such an act may include significant habitat modification or degradation where it actually kills or injures wildlife by significantly impairing essential behavioral patterns, including breeding, feeding or sheltering.

Take of marbled murrelets, within the meaning of these definitions, may result from a variety of activities, including any activities that

- 1) kill or injure birds;
 - 2) impair essential behaviors by adversely affecting occupied or unsurveyed suitable breeding habitat; or
 - 3) cause significant disturbance of breeding birds, leading to reduced reproductive success.
- (MMRP)

The Marbled Murrelet Recovery Plan identifies the conservation of occupied habitat as an important component in the recovery of the species. Modification of occupied habitat would generally pose a high risk of take of marbled murrelets. Likewise, modification of suitable but unsurveyed habitat, or in the case of the restoration and recovery of forest areas already cut in the Headwaters Forest Preserve, potentially suitable habitat that could provide future habitat for the murrelet could be important to the recovery of the species. However, an increase in the corvid population, which is likely to accompany trail use, could ultimately bring about a take situation due to predation.

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BLM should address the importance of Pacific Lumber (PL) lands and former PL lands (i.e., the Headwaters Forest Preserve) to the marbled murrelet in the Marbled Murrelet Designated Critical Habitat in the Siskiyou Coast Range, as designated by the U.S. Fish and Wildlife Service. As cited in the Headwaters Habitat Conservation Plan, Ralph et al. reported in 1998 that approximately 31% of all occupied detections in the bioregion came from the Headwaters Grove. (This figure does not even include Elkhead Springs Grove, also in the Preserve, which had the next highest percentage.) This elevates the importance of the Preserve's habitat value. It also means that murrelets in the Preserve have limited options for escape from predators.

Section 2052 of the California Endangered Species Act states, "The Legislature further finds and declares that it is the policy of the State to conserve, protect, restore, and enhance any endangered species or any threatened species and its habitat and that it is the intent of the Legislature, consistent with conserving the species, to acquire lands for habitat for these species". (MMRP, pg. 79)

Because the situation in habitat surrounding the Preserve presents serious threats to the species, causing the population to be even more isolated and therefore vulnerable, and because so much of murrelet habitat elsewhere is in parklands already impacted by human use, a unique opportunity is presented with respect to Headwaters Preserve management. As has been recommended by marbled murrelet specialists, occupied habitat should be maintained in large contiguous blocks, surrounded by buffers to assist in recovery of the population. Creating as large an inner block as possible in the Preserve, a block as free from risk of impacts as possible will be done by minimizing trail use.

The BLM's and DFG's proposed and ongoing efforts to restore and recover significant old growth forest habitat essential to marbled murrelets and other old growth dependent species is to be lauded and is in keeping with the goals of the purchase of the Headwaters Preserve--and, indeed, the goals of the twelve-year-long campaign to preserve the old growth forest of Headwaters. The focus of advocates for Headwaters Forest during the long campaign has always been on the value of the forest as wildlife habitat, not as a recreation area.

An opportunity lies before us to manage this 7,472 acres as high quality and recovering wildlife habitat before impacts that have reduced wildlife habitat elsewhere have to be mitigated. Because this area was not accessible to the public prior to 1999, it is likely the problems of predation that are plaguing other public lands that contain marbled murrelet habitat and have recreational access will arise here, unless

careful measures are taken. The irony that is that the old growth within Headwaters remains in a more pristine state precisely because of its prior function as industrial forestland, which made it inaccessible. That ironic fact presents a tremendous opportunity for species recovery.

Habitat in many park settings receives high visitor use, which runs a risk to murrelet nesting patterns. The greatest impact appears to be from increased artificial food sources associated with human use of park environments, which leads to elevated numbers of murrelet predators that are opportunistic foragers demonstrated to occur in higher numbers in recreational park settings. (DFG, 2000)

The problems of controlling predators once they are established in an area are much greater than controlling features in the environment (like anthropogenic food sources) to avoid attraction in the first place. When flooding washed out the access road to a popular visitor site in the Olympic National Park, visitors (and therefore food) were not allowed in the area during the breeding season, and American crow and Steller's jay detections each declined by 44.6%. The probability of nest predation on simulated murrelet nests dropped from 95% to 50%. (Marzluff, Neatherlin 2001)

Risk and impact of predation on marbled murrelet population in Headwaters Preserve

In outlining the "actions necessary to address the recovery objectives," the Marbled Murrelet Recovery Plan calls for action to "minimize nest disturbances to increase reproductive success... Low reproductive rate may be due to high rates of predation on eggs, young and possibly adults at the nest site." The MMRP states that "Human activities near nesting areas that result in an increase in the number of predators also could lead to a greater likelihood of nest predation. The timing of disturbances should be adjusted to avoid disruption of marbled murrelet activities, such as courtship, mating, and nesting. Human activities should be modified to reduce attraction of predators to specific forest areas. Higher-than-normal predation levels are likely to occur in nesting habitat due to forest fragmentation." (MMRP pg. 141-2)

In other words, there is already a higher than normal level of predation due to habitat fragmentation. Hikers and their garbage will only exacerbate the problem. Despite their predator-avoidance strategies, marbled murrelets suffer the highest nesting failure known for any alcid, largely due to predation. (Piatt and Naslund. 1995).

Increased human activities in forests, such as picnic grounds, can attract corvids and thus increase the chances of predation (Singer et al 1991, Marzluff and Balda 1992) More importantly, these activities can increase survival of corvids and result in potentially higher corvid populations. (Binford et al 1975) According to Pacific Lumber's Habitat Conservation Plan, "marbled murrelet predators are associated with human activity" and "...the densities of these predators are increasing locally and statewide."

Available science indicates a direct causal relationship between increases in corvid populations brought about by recreational uses (human presence) of an area and increased predation on marbled murrelet nests and chicks. Although scientific knowledge is not entirely complete, given the state of murrelet populations and the fact that species is still in decline in California, to err on the side of lowering the risk of predation would be prudent, at the least, since any increase in predation could be catastrophic. Notwithstanding the lack of published data, a number of scientists believe that the underlying cause of corvid increases in California is inextricably linked to the activities of humans. (Liebezeit, date unknown, post-2001)

Natural predation on the marbled murrelet that occurs in unaltered and undisturbed old-growth coniferous forest would not normally be a threat to continued existence. However, under present conditions, much of this remaining old-growth coniferous forest occurs in federal, state and local parks, where human visitation occurs. These human influences and alterations typically result in an artificial population increase of predatory corvids. This increases predation pressure on murrelet eggs, young, and adults during the breeding season. (Caryl J. Larsen, 1994.)

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Scientist Steven Singer states "Recreational facilities, such as picnic areas and visitor service facilities, may interfere with the nesting success of marbled murrelets. Although incubating birds only rarely showed behavior suggesting agitation from human presence or noise, they may have been indirectly affected by supplemental food items (table scraps and garbage) made available to potential nest predators. Both Steller's jays and common ravens have been observed feeding from garbage cans in (the Opal Creek) picnic area. Ravens, which did not nest in the park prior to 1987, nested successfully near the picnic area in 1989. Elsewhere, unusually large corvid populations have been noted in picnic areas and campgrounds where garbage is available (Gaines 1977, Beedy and Granholm 1985). Work done in Big Basin by Orr (1942) found a correlation between the higher numbers of Steller's jays in campgrounds and the reduced number of passerine birds there. Now that Steller's jays and common ravens are known to prey on marbled murrelet eggs and nestlings, visitor activities that favor corvid populations should be minimized." (Singer, Naslund, Ralph et al. 1991).

Direct relationships between negative impacts on marbled murrelet populations and abundance of corvid species, and between corvid populations and human activity, particularly human activity that brings food waste into forest edges, have been shown in scientific studies.

Marzluff found that "Preliminary results suggest that stand structure and proximity to human activity (primarily urban centers and campgrounds) influence predation on murrelet nests to a greater extent than does landscape fragmentation. Human activity appears especially beneficial to American crows and Steller's jays who foraged in urban areas, agricultural lands and clearcuts, and nested in regenerating conifer stands... Ravens benefit from human refuse. ... Nests in interiors of old growth are preyed upon at rates equal to nests on edges, therefore buffers of old growth are unlikely to be effective at reducing predation." (Marzluff et al. 1996):

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The underlying cause of corvid increases throughout California (and the world) is inextricably linked to the activities of humans. (Marzluff et al., 1994) Corvids...are generalist forgers, readily eating human-produced wastes. (Boarman 2000, Marzluff et al. 2001) Habitat fragmentation due to logging can already be assumed to be contributing to increases in "habitat generalist" predators (Andrén 1992) since most corvid species thrive in fragmented habitats. (Marzluff et al. 1994) But availability of subsidized food and water may be the most important underlying cause for the increase in corvid populations throughout the west. (Boarman and Heinrich 1999) and corvids are suspected to have caused the majority of known murrelet nest failures (Nelson and Hamer 1995a, Miller et al. 1997) From 1974 through 1993...64% of the nests failed. Of those nests, 57 % failed due to predation (MMRP, pg. 51)

Some species of avian predators appear to be able to adjust to these habitat changes (Marzluff and Balda 1992), while other birds like the marbled murrelet appear to be less able to adjust to the modification of the native forest landscape. Because predation can be a major factor affecting certain nesting success in birds (Ricklefs 1969), the combination of habitat modification and adaptations of predators to these modifications may be having a tremendous impact on the overall fitness of marbled murrelets and other forest wildlife. (MMRP, pg. 47-48)

We realize BLM took into account these facts and circumstances and that those considerations led to recommendations of minimal entry into old growth and minimal trail network. We appreciate that. However, these same facts, scientific wisdom and circumstances lead us to strongly recommend closure of the southern access and no entry into the old growth forest.

The marbled murrelet population is already severely compromised and facing further loss of habitat due to current and planned logging by Pacific Lumber Company, all around the Preserve, certainly close enough to impact the population in the Preserve. To avoid take due to predation, the risk must be absolutely minimized in every possible way. Recovery is possible and must be the goal, but the decline has not been slowed yet to a point that the population could be seen as stabilized. Protection of the species in the Preserve can be the springboard to recovery in this conservation zone. Minimizing risk of take and setting the stage for recovery means complying with the letter of the authorizing language

requiring public access to the forest, but closing the southern access, keeping hikers out of the old growth, and curtailing further development, such as picnic tables or other amenities.

We recommend using the corvid monitoring plan referred to in DMP (3-24), the goal of said monitoring plan being to develop baseline information of corvid abundance within the Preserve. The DMP states that surveys will be conducted before the management plan is implemented. How will information gathered in subsequent monitoring affect management? E.g., if corvids are found to increase due to hikers, are there provisions to close trails?

Recreation areas may increase edge effects, so human commensals such as crows and generalist foragers such as Steller's jays should be monitored as indicators of increasing edge effect. (Rochelle, et al, 1999)

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Re. the study being conducted in Redwood National Park on the effects of human disturbance on nesting marbled murrelets (referenced in DMP, 3-24). How will information gathered in that study be used to update, revise or otherwise affect management plans in the Headwaters Preserve?

In summary, because the marbled murrelet population is already severely compromised, its habitat severely fragmented and reduced, and because those impacts continue to an alarming extent all around the Preserve, and because predation could result in take of the species, we recommend absolutely minimizing any and all risks to the murrelets. We recommend this in the interest of ensuring survival of the species, with an eye toward recovery of the southern Humboldt population. Minimizing any and all risks means restricting any access to non-old growth areas, limiting access to northern access only, to daylight hours only, and instituting more comprehensive education of visitors to the Preserve about the risks to murrelets from predator species attracted by human garbage. We further recommend representing the Preserve to the public as a preserve for wildlife, and as recovering habitat, where human impact must be minimized and where human recreation comes secondarily.

IMPACT OF PROPOSED ACTIVITY ON THREATENED AND ENDANGERED SPECIES: NORTHERN SPOTTED OWL (*Strix occidentalis caurina*)

The Draft Management Plan (2-6) specifies that the "...the plan for the Preserve should be consistent with the Northwest Forest Plan, [which the BLM and the U.S. Forest Service are jointly implementing] providing equal or higher protection for northern spotted owl and its habitat." However, the Headwaters DMP does not outline specific measures for ensuring the recovery of this endangered species and its severely impacted old-growth forest habitat. A principal goal of the Northwest Forest Plan is to protect and enhance habitat for the Northern Spotted Owl, an "indicator species" whose survival indicates the general health of the old-growth forest and of other imperiled species.

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Accordingly, the Northwest Forest Plan dictates that an effective monitoring plan be adopted and implemented to reverse trends of Northern Spotted Owl population losses and to maintain and restore the habitat conditions necessary to support viable populations of owls on federally-administered public lands throughout the owl's range.

DESIGNATIONS

Wilderness Study Area

BLM's preferred Alternative 7B would exclude younger previously harvested stands from Wilderness Study Area designation (WSA). We strongly favor Alternative 7A, which would designate a much larger portion of the Preserve in the WSA. The sole rationale asserted against 7A is the mistaken statement that forest restoration activities are prohibited in WSAs. BACH favors these forest restoration activities and notes that such activities are in fact permitted under various exceptions specified in the

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controlling legal guidance –BLM's Interim Management Policy of Lands Under Wilderness Review, Handbook H-8550-1 ("Handbook 8550").

Handbook 8550 generally prohibits vegetative manipulation. However the proposed restoration activities clearly fall within the common sense exceptions to the nonimpairment criteria. First, by advancing the Preserve's wilderness values, the restoration activities fall within the exception provided for "[a]ctions that clearly benefit a WSA's wilderness values through activities that restore, protect, or maintain these values." (Handbook 8550, Chapter II, B. 2. d.). Many of the restoration activities also fall within the exception provided for reclaiming pre-FLPMA impacts because many of the activities necessitating restoration occurred prior to this date. (Handbook 8550, Chapter II, B. 2. e.). Finally, much or all of the restoration activities are focused in remote areas and could be conducted in a manner that would be substantially unnoticeable, and therefore qualify as an exception under Handbook 8550, Chapter II, B. 17.).

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We strongly urge BLM to review Handbook 8550 again and consult with legal counsel, because its current interpretation is overly restrictive and contrary to the intent of WSAs and BLM guidance. WSA designation for the entire eligible area of the reserve is most consistent with the asserted management goals for the Preserve. Alternative 7A should be adopted.

State of California Ecological Preserve

We strongly support BLM's preferred Alternative 9A, designating the entire area an Ecological Preserve under California law. This designation provides added protection under state law to preclude a myriad of activities inconsistent with purposes of the Preserve. Specifically, it would provide legal authority to prohibit aircraft over-flights. Next to logging, nothing is more antithetical to the wild and scenic values underlying the Preserve's core management philosophy than over-flights. Helicopters operating on nearby PALCO lands present the additional potential for "take" of endangered murrelets, in violation of the U.S. and California Endangered Species Acts. Accordingly, we vehemently oppose any exception for helicopter logging or for any other flight uses of any kind.

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Having this special designation under state law may create future opportunities for state funding as funds are made available for Ecological Preserve operation and management.

Area of Critical Environmental Concern, Research Natural Area and Special Recreation Management Area

BACH strongly supports Preserve designation as an Area of Critical Environmental Concern (ACEC) and Research Natural Area (RNA). The Preserve's unique qualities render it a well-qualified applicant for these designations. ACEC and RNA designation will also help to elevate management funding priority within BLM and the Department of Interior, which will be especially important and necessary during times of federal budget cuts.

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In addition, if BLM insists on providing recreational activities, then it should also designate the entire Preserve a Special Recreation Management Area (SRMA) in order to capitalize on the DOI funding priority accorded to such areas.

Recognition of Historical Significance

BACH favors nomination of the town of Falk to the U.S. Register of Historic Places and the State of California's Register of Historic Resources, because such designations may produce additional funding for preservation activities that would otherwise come from general funds earmarked for Preserve management and operation. This would preserve more funds for core restoration and preservation activities.

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BACH opposes nominating the railroad grade or Military Ridge Trail for historic recognition, because it would restrict the ability to remove these manmade alterations to the natural environment in this and future management plans. These resources lag far behind the town of Falk in their historic preservation

value and significance. Furthermore, their continued preservation is contrary to the wild and scenic values forming the core of the Preserve's management philosophy.

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National Wild and Scenic River Designations

BACH strongly encourages BLM to adopt Alternative 8A, designating eligible waterways through the Preserve as National Wild and Scenic Rivers. These include the S. Fork Elk River (1 mile recreational, six miles scenic), Little South Fork Elk River (5 miles wild); and Salmon Creek (5 miles scenic). This designation will require BLM to manage the public lands within an average of 1/4 mile on each side of these rivers to protect the rivers' free flowing character and outstanding values. As noted in the EIS / EIR, these designations would not impose additional management requirements on the lands to be included that are not already part of the proposed management direction of the Preserve.

Despite the undisputed consistency of wild and scenic river designation with the intended management philosophy articulated in the EIS / EIR, BLM prefers Alternative 8B, which forgoes designation for any of the three eligible waterways. This is puzzling, because the EIS / EIR articulates no rationale to support this preference.

BACH believes BLM is mistaken in its contention that designation does not offer further protection to these stream corridors. The Wild and Scenic Rivers Act specifically prohibits water resource projects within, upstream, or downstream of designated segments that may "unreasonably diminish" the outstanding values for which the river was designated. The Act further requires the managing federal agency to regulate federal activities within a watershed that may adversely affect outstanding values. These mandates may also confer BLM regulatory authority to ensure protection of the river's free flowing character, outstanding values, and classification over activities including rights of way, diversions, or any drilling required to exercise water rights on federal lands. This authority provides valuable protection and the regulatory oversight needed to ensure healthy ecosystems within the Preserve.

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Wild and Scenic River designation offers more permanent protection for the eligible waterways and associated areas than that which is accorded under the current management plan, because BLM's management philosophy is subject to change with each management plan. With each plan revision and re-write, BLM is subject to political pressures often antithetical with the preservation purposes of the Preserve. Wild and Scenic River designation would provide a more permanent anchor for these sincere management policies that could not be undercut by subsequent management plans. This consistency is absolutely vital to effectuate the stated management philosophy in our often-turbulent political environment.

Wild and Scenic River designation would also foster greater and more enduring coordination among responsible federal agencies, including the National Marine Fisheries Service, which is vital for the preservation and restoration of native anadromous fish species. Designation also provides BLM condemnation authority to obtain scenic easements along the stream corridors, which although not politically or economically feasible today, may be tomorrow.

BACH strongly urges BLM to adopt Alternative 8A.

RESEARCH ACTIVITIES

Our recommended restrictions on researchers are:

- no overnight camping;
- no off-trail expeditions, except those done with express permission of resident ranger and with ranger guidance;
- no specimen collection;
- no use of motorized vehicles anywhere in the Preserve; and
- significant financial penalties for habitat damage.

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FEES

Fees should be charged to reimburse the BLM for a docent program, if one continues, and for the exceptional security cost of making sure that public access does not impact the old-growth, if southern access to the Preserve remains open. (Alternative 10 B) When there is a value-added service like docent tours, those benefiting from it should pay on a fee scale that fully reimburses BLM for its expense in running the program. If the southern access remains open, the docent program must be fully funded so that it does not revert to a permit system in the absence of funding.

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CONCLUSION

Because of the potential catastrophic effect of logging under Pacific Lumber's Habitat Conservation Plan on the marbled murrelet, a great deal of hope was invested in the species' recovery's being made more possible by the acquisition whose management plan we are now scrutinizing. That points up the huge opportunity, and also the risks. If public access is increased and activities like picnicking are allowed in the Preserve, there is a potential for increased disturbance to nesting murrelets and therefore risk. (Nelson, 1998). Since there was no public access prior to acquisition, any public access is an increase in public access. The authorizing language mandates access but not any more specific activity.

Clearly, if murrelet populations are declining with current habitat areas, the likelihood of continued decline with less habitat is a given. What will the loss of habitat on Pacific Lumber land mean at a time when the species cannot afford any more loss of habitat? While BLM is not responsible for Pacific Lumber's habitat destruction, it means that the habitat under BLM's jurisdiction should not be further compromised by recreational use.

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To survive, the murrelet must see significant recovery once the current decline is arrested. (Nelson, 1998) The next 50-100 years have been identified as the critical period for the continued survival of this species (USFWS, 1997) Because the loss of habitat due to irresponsible logging has not yet been stopped, the habitat island that is the Headwaters Preserve is opportunity, but opportunity with inherent risks. The Recovery Plan states that occupied habitat and large blocks of potential suitable habitat should be maintained during this time period (MMRP, pg. 119, 121, 128, 131-134); we would add that suitable habitat must be maintained with as many risks as possible eliminated.

The accomplishment of transferring this forest from corporate to public ownership brings with it a responsibility to honor the basis of the grassroots campaign that brought that accomplishment to fruition. The goals of that campaign were always habitat protection and the work carried out on behalf of the species that reside in this fragment. Those goals had huge public support. The tragedy would be to throw open the garden gates. The crown for the accomplishment will be careful and full protection in perpetuity. We look forward to the recovery of this forest and its inhabitants.

Bay Area Coalition for Headwaters

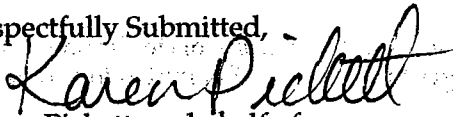
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We refer to ornithologist David Suddjian's comments, attached. We concur with his comments and urge BLM to take into account that which biologists have learned at these other areas such as Big Basin, that have suffered under human impact.

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We also refer you to biologist Kim Nelson's August 12, 1999 comments on the Environmental Assessment of public access for Headwaters Preserve, also attached to our scoping comments of August 17, 2000. Ms. Nelson's comments bring to the fore concerns regarding the "grievous effect" public access and hikers could have on marbled murrelet nest success due to introduction of human garbage and food to an area previously isolated from such impacts.

Respectfully Submitted,



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References:

Madej, M.J. 2001, Earth Surf. Process. Landforms 26, 175-190.

Marbled Murrelet Recovery Plan, U.S. Fish and Wildlife Service, 1997. pages 43, 79, 88, 100, 103.

Piatt and Naslund. 1995. Abundance, Distribution and Population Status in Alaska, USDA Forest Service Gen. Tech. Prep. PSW-152)

Pacific Lumber Company's Habitat Conservation Plan Vol. VI, Section B.1, pg. 42

Caryla J. Larsen, 1994. Report to the Fish and Game Commission: A Status Review of the Marbled Murrelet in California

Steven W. Singer, Nancy Naslund, Stephanie Singer, C.J. Ralph. 1991. Discovery and Observations of Two Tree Nests of the Marbled Murrelet

Marzluff et al. 1996. The Influence of Stand Structure, Proximity to Human Activity, and Forest Fragmentation of the Risk of Predation to Nests of Marled Murrelets on the Olympic Peninsula

Marzluff et al, 1994, in Liebezeit, Joseph. date unknown. A Summary of predation by corvids on threatened and endangered species in California and management recommendations to reduce corvid predation

Kim Nelson, 1998. Comments on the Pacific Lumber Company's Draft Habitat Conservation Plan/ Incidental Take Permit/Sustained Yield Plan, and U.S. Fish and Wildlife Service's and California Dept. of Forestry's Draft Environmental Impact State/ Report, Permit No. PRT-828950 and 1157

Zach Peery, Steven Beissinger, Ben Becker, Scott Newman, 2002. Draft Marbled Murrelet Demography in Central California: 2001 Progress Report. Submitted to California Department of Fish and Game, U.S. Fish and Wildlife Service, California State Parks

California State Assembly Bill No. 1986, Introduced by Assembly Member Migden, February 17, 1998

Dept. of Fish and Game, Habitat Conservation Planning Branch, 2000. Annual Report on the Status of Endangered, Threatened and Candidate Species

Harry Carter, 1998. Comments on Pacific Lumber Company's Draft Habitat Conservation Plan and U.S. Fish and Wildlife Service's and California Dept. of Forestry's Draft Environmental Impact Statement/Report in relation to Headwaters Forest Acquisition and Pacific Lumber Company's Sustained Yield Plan and Habitat Conservation Plan.

Dr. T. Luke George, Joseph Liebezeit, Humboldt State University Dept. of Wildlife, 2001. A summary of predation by corvids on threatened and endangered species in California and management recommendations to reduce corvid predation. Final Corvid Management Plan (Draft)

James Rochelle, Leslie Lehmann, Joe Wisniewski, editors, 1999. Forest Fragmentation, Wildlife and Management Implications

John Marzluff, Erik Neatherlin, University of Washington, unpubl. Corvids and Murrelets: Corvid Response to Human Settlement and Recreation: Causes, Consequences, and Challenges for Managers. Submitted to Ecological Applications.

Final EIS/EIR for the Pacific Lumber HCP/SYP, January 1999. p.3.10-42

Jennifer Roth, John Kelly, William Sydeman, Michael Parker and Sarah Allen, 1999. (Pt. Reyes Bird Observatory, Audubon Canyon Ranch, U.S. Fish and Wildlife Service, National Park Service) Ecosystem-Level Management of Common Ravens on the Point Reyes National Seashore, Report to the Point Reyes National Seashore

Fish and Game Code sections

2053. The Legislature further finds and declares that it is the policy of the state that state agencies should not approve projects as proposed which would jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of habitat essential to the continued existence of those species, if there are reasonable and prudent alternatives available consistent with conserving the species or its habitat which would prevent jeopardy.

2055. The Legislature further finds and declares that it is the policy of this state that all state agencies, boards, and commissions shall seek to conserve endangered species and threatened species and shall utilize their authority in furtherance of the purposes of this chapter.

2061. "Conserve," "conserving," and "conservation" mean to use, and the use of, all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to this chapter are no longer necessary. These methods and procedures include, but are not limited to, all activities associated with scientific resources management, such as research, census, law enforcement, habitat acquisition, restoration and maintenance, propagation, live trapping, and transplantation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.



FRIENDS OF THE RIVER

915 20th Street, Sacramento, CA 95814
916/442-3155 • FAX: 916/442-3396 • E-mail: info@friendsoftheriver.org • www.friendsoftheriver.org

CALIFORNIA'S
STATEWIDE RIVER
CONSERVATION
ORGANIZATION

August 26, 2002

Headwaters
Bureau of Land Management
United State Department of the Interior
Post Office Box 188677
Sacramento, California 95818-8677

Re: Wild and Scenic River Designation In Headwaters Forest Preserve

Dear Headwaters Management:

I write on behalf of Friends of the River (FOR) and our more than 5,000 members. FOR is a statewide organization committed to preserving and restoring California's free flowing rivers, streams and watersheds. I appreciate the opportunity to comment on this Draft Management Plan and Environmental Impact Statement/Environmental Impact Report (EIS/EIR) on behalf of our organization.

The Headwaters Forest Reserve (Reserve) provides a unique opportunity to set-aside public lands for the ecological, recreational and educational benefit of future generations. The Bureau of Land Management (BLM) and Department of Fish and Game (DFG) should be commended for their diligent efforts in turning this project a reality.

FOR, however, expresses serious concern over the EIS/EIR decision not to recommend four eligible river segments (two on the South Fork Elk River, one on the Little South Fork Elk River, and one on Salmon Creek) for inclusion into the National Wild and Scenic River System (NWSRS) as set forth in the Wild and Scenic River Act (Act). FOR contends that extending WSR status to these rivers will help ensure the preservation of precious natural resources located in the Reserve and broaden the representation of key ecosystems in the NWSRA. It is after a thorough review of the EIS/EIR that FOR contends that BLM failed to accurately address this important issue. The following is a list of four major concerns to be addressed in the final EIS/EIR draft.

I. All Headwaters Segments Are Consistent with the NWSRA

The NWSRA, established in 1968, sets forth a process that rivers with "extraordinarily remarkable value" would be "protected for the benefit and enjoyment of present and

7-1



future generations.” (P.L. 90-542). To qualify, a river or river segment must be in a “free-flowing condition” and must be deemed to have one or more outstandingly remarkable scenic, recreational, geologic, fish and wildlife, historic, cultural or other similar values.

a. All Four Segments Qualify for Wild and Scenic River Status

All four potential segments within the Reserve are clearly eligible for NWSRS designation. The draft EIR/EIS explicitly states that all four segments are free-flowing and eligible for a designation of either wild, scenic or recreational. (See EIS/EIR Tables H-1 & H-2). And, each river segment possesses outstandingly remarkable values. Included among outstanding values are their proximity to old-growth redwood forests as well as their use as spawning grounds for chinook and coho salmon, and steelhead trout and habitat for the northern spotted owl, and marbled murrelet. (EIS/EIR at H-2).

b. BLM Failed to Articulate Adequate Reasons for Non-Inclusion

The Wild and Scenic Rivers Act Section 5(d)(1) requires that, “In all planning for the use and development of water and related land resources, consideration shall be given by all Federal agencies involved to potential wild, scenic and recreational river areas, and all river based and project plan reports submitted to Congress shall consider and discuss an such potentials.” The Headwaters EIS/EIR does examine each river segment’s eligibility, yet declines recommendation into the NWSRS for reasons inconsistent with, or based on misinterpretations of, the Act.

1. NWSRA Sets Forth No Length Requirement

BLM contends in the EIS/EIR that the cumulative segment length of seventeen miles is too short to benefit the NWSRS as a whole. Contrary to this assertion, the Act does not in its language, legislative history or implementation attach value to a segments length. In fact, an examination of the WSRs suggests that the opposite is true. There are numerous WSR segments less than twenty miles in length. And, in many instances, NWRS segments total less than one mile. Therefore, segment length should not be a factor in determining NWSRS eligibility.

2. NWSRA Sets Forth No Proximity Requirement

The BLM also contends in its EIS/EIR that because there are already five designated WSR located in the California Coast Range Physiographic Province, the inclusion of the four Reserve streams would fail to benefit the WSRs as a whole. Again, there is no legal or historical evidence to support this argument. A simple examination of the WSRs in the United States demonstrates that many WSR segments are located in the same geographic region. If anything, the EIS/EIR assessment that there are already five rivers located in the geographic region suggests that rivers of outstanding value are often located in the same region.

7-1
cont.

7-2

Because each river segment is unique, every river consisting of “outstandingly remarkable” value adds significant value to the WSRS. The proximity of one stream to another provides no exception. The Reserve streams are located among some of the few remaining native Redwood forests on the continent and serve as habitat to rare and endangered plant and animal life. To suggest that the relative closeness of one river to another diminishes its “outstandingly remarkable” values advocates a line of logic that borders the absurd.

The documented outstanding values of the existing WSRs in the region are anadromous fisheries. Although the eligible Headwaters streams support similar outstanding fishery values, they also possess outstanding wildlife, ecological, historical and prehistorical values not identified for the existing WSRs in the region. This difference underscores the unique nature of the Headwaters streams compared to other nearby rivers.

Of additional note, all the regional WSR cited in the EIS/EIR (Smith, Klamath, Trinity and Eel) are designated under 2(a)(ii) of the WSRA—and therefore do not enjoy the same level of federal protection as the Headwaters segments, should they be included. A more complete discussion of this issue is discussed infra.

II. WSR Status Provides Increased Protections Not Contemplated by EIS/EIR

The EIR/EIS asserts that “(b)ecause the natural resources within the for river segments are fully protected under current policies and management direction, designation would neither enhance nor curtail resource values of the area.” (EIR/EIS at H-7) This statement suggests a fundamental misunderstanding about the effect of WSR designation as well as a lack of knowledge about the history of federal efforts to preserve such areas. Federal WSR designation provides a definite level of “heighten protection” that would preserve the streams beyond the Reserve’s boundaries.

a. Protection of “Free-Flowing” Nature

Section 7(a) of the Act protects the “free-flowing” nature and outstanding values of a designated stream by prohibiting federal licensing of hydroelectric projects on the designated segments. In addition, this section prohibits federal agencies for assisting, by loan, grant, license, or otherwise in the construction of any water resources project that would have a direct and adverse effect on river values. This section also requires federal agencies to ensure that water resource projects upstream, downstream, or on tributaries of a designated segment do not “unreasonably diminish” scenic, recreational, fish and wildlife values.

The section 7(a) protective mandates are much stronger than the general protective goals of the Headwaters Forest Reserve designation. Specifically in regard to federal licensing of potential hydroelectric projects, WSR designation is the only available tool to ensure protection of free flowing values. The WSR protections regarding water resource

7-2
cont.

7-3

projects also apply to activities outside the reserve, and therefore are inherently more extensive than any other management direction restricted to the reserve itself.

7-3
cont.

b. Heightened Protection by Congressional Designation

Of particular importance is the heightened protection the Headwaters segments would enjoy as compared to the existing NWSRs in the region. A BLM recommendation to add these streams to the NWSRS could lead to Congressional designation under section 2(a)(i) of the Act. This provides full protection under federal law and ensures the managing federal agency has the primary responsibility to manage and protect the streams. In contrast, the existing NWSRs in the region were designated under 2(a)(ii). These rivers are managed by the state, with limited federal oversight. In fact, the state system is largely self-administering. There are no management plans for the 2(a)(ii) rivers and very little active state agency management to protect the rivers' free flowing character and outstanding values. Federal designation under 2(a)(i), by the nature of our federalist system, provides a level of heightened protection not enjoyed by 2(a)(ii) designated rivers.

7-4

III. Inclusion in the NWSRS—Substantial Return on Little Investment

The inclusion of the Reserve streams provides the unique opportunity to provide extensive environmental protection at little economic or political cost.

a. No Additional Taxpayer Cost

The EIS/EIR states “there would be no costs involved in acquiring necessary lands and interests in lands because all land within the river segments in public land managed by BLM.” Too many times, rivers fitting the “outstandingly remarkable” criteria of the NWSRA, are not included because of substantial interference with private lands and interests. With the Headwaters segments, the BLM is faced with the unique opportunity to add unique and diverse river segments of “outstandingly remarkable value” at no additional cost to federal taxpayers.

7-5

b. No Formal Opposition

The preliminary meetings on the Reserve recorded no opposition to including the Reserve segments in the NWSRS. And, despite the lack of testimony, there is substantial support for the inclusion of the Reserve segments to the NWSRS. It is offered that the lack of recorded support stemmed from the assumption by the interested public that because desire to protect the Reserve, the river segments would naturally be recommended for the WSRs designation. As a result of the EIS/EIR the interested public, like FOR, realize that the Reserve presents a unique opportunity to preserve a rare part of our ecological heritage and therefore choose to voice support for the Reserve segments to be included in the NWSRS.

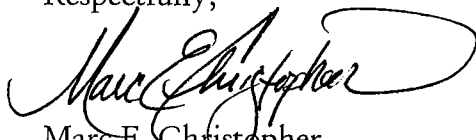
IV. NWSRS Designation is Consistent with Primary Management Responsibility

The 1998 Interior Appropriations Bill directed the Secretary of Interior to prepare a long-term management plan to “conserve and study the land, fish, wildlife and forests occurring on such land.” One would be hard pressed to envision a scenario that provides a greater opportunity to further BLM’s responsibility to protect and preserve the ecological values of the Headwaters reserve than inclusion of these river segments into the NWSRS.

In conclusion, the Headwaters Reserve offers a unique opportunity to conserve the ecological integrity of precious and unique portion of our area. Therefore, we should take every effort to preserve its integrity while the opportunity exists. If history is an indicator, any additional protections, including the time-tested protections of the WSRA, would serve as an increased deterrent on policymaker attempts to alter the natural character of this unique area. At present, both the Federal government and State of California have invested tremendous time, money and resources into realizing the vision of this plan. The inclusion of the Headwaters segments in the WSRS would provide a practical means of ensuring that the benefit of the Headwaters Reserve will be realized for generations to come.

Again, I appreciate the opportunity to submit these comments. Of course, please feel free to contact me if you have any further questions or comments about this important matter.

Respectfully,



Marc E. Christopher
Policy Advocate



Sierra Club

North Group, Redwood Chapter

P.O. Box 238
Arcata, CA 95518

29 August 2002

Bureau of Land Management
Headwaters
P.O. Box 188677
Sacramento, CA 95818-8677

Re: Headwaters Forest Reserve Draft Resource Management Plan/EIS/EIR

The following comments are on behalf of the North Group, Redwood Chapter, Sierra Club, with more than 1,300 members in northwestern California.

The Redwood Chapter--and the North Group in particular--expended time, money, and energy to save Headwaters Forest from logging, this last significant unprotected remnant of a two-million-acre ancient coast redwood temperate rainforest. Thus, we awaited the draft management plan with deep interest. And we are not disappointed. Page 4-2 of the draft plan states:

The primary focus of Reserve management is to restore and maintain its ecological integrity and to study its ecological processes so as to improve that management. Recreation and other necessary management activities will be constrained as necessary to be consistent with the primary goal.

8-1

That the primary focus of the draft management plan is on preservation of the old-growth groves and restoration of the watersheds and timberlands of the second-growth forest is entirely appropriate and commendable.

The draft plan overall is thorough and impressive and offers a good deal of protection for this ancient forest reserve. We like BLM/DFG's preferred alternatives, with but one modification--in the Trail System. We would prefer that Alternative 4B (Limited Old-Growth Contact Experience) not include the Historic Military Ridge Trail. We would also prefer that there be no backcountry campsite on the New Little South Fork Elk River Trail.

During the public meeting on the Draft Plan in July in Eureka, equestrian and mountain biking interests made their wishes known. We do not see how they can be accommodated, given the mandate to preserve and enhance ecological integrity and given the large degree of incompatibility between equestrians/bikers and walkers (with small

children and dogs). It would not be good to allow even non-mountain-biking bikers on the relatively wide Elk River Corridor Trail, because bikers, walkers, and dogs all gravitate to the narrow smoothest part of this rocky trail. Therefore, we are pleased that BLM/DFG are not proposing to accommodate every desire.

The North Group appreciates, in particular, the goals and careful guidelines for managing research projects and wildland fire.

We support the Special-Area Designation Alternatives that are preferred by BLM/DFG: WSA, with younger stands excluded; CA Ecological Reserve; ACEC.

The North Group strongly prefers that Southern Access to the Reserve be restricted to BLM tours and that, if fees are charged, they be required at this entrance only.

Thanks very much for this excellent exploration of the issues involved in the management of this old-growth ecological island in the midst of cutover industrial timberlands.

Yours sincerely,

A handwritten signature in cursive script, reading "Diane Fairchild Beck", followed by a horizontal line.

Diane Fairchild Beck, Conservation Co-Chair
3200 Greenwood Heights Drive
Kneeland, CA 95549

8-1
cont.



Wildlife Management Institute

20325 Sturgeon Road • Bend, Oregon 97701
 Phone (541) 330-9045 • FAX (541) 382-9372
 E-mail - wmibd@aol.com

ROBERT P. DAVISON
 Field Representative

ROLLIN D. SPARROWE
 President

RICHARD E. McCABE
 Vice-President

August 29, 2002

Headwaters
 P.O. Box 188677
 Sacramento, CA 95818-8677

To whom it may concern:

The Wildlife Management Institute, founded in 1911, is a private, nonprofit, scientific and educational organization staffed by experienced natural resource professionals dedicated to improving the management of wildlife and wildlife habitat in North America. We appreciate this opportunity to provide comments on the Headwaters Forest Reserve Draft Resource Management Plan/EIS/EIR (RMP).

We recognize that the scope of the RMP was largely determined by the 1998 Interior Appropriations Bill, which set forth the goals of the RMP and the management issues that it should address. However, the Institute believes that the scope of the alternatives considered by the RMP is overly narrow with respect to forest restoration and recreation management.

More than half of the Reserve currently is not old growth forest. We believe that consideration should be given, therefore, to managing some of the areas harvested in the past two decades to maintain early seral stage habitats, such as forest openings and grasslands. High quality early successional habitat is not common in the area and would support prey species utilized by wildlife inhabiting old growth as well as other wildlife species.

We believe that maintenance of high quality early seral stage habitats within the Reserve is fully consistent with the authorizing legislation, which establishes that the goals of Reserve management shall be "to conserve and study the land, fish, wildlife, and forests occurring on such land while providing public recreation opportunities and other management needs." Nothing in this language or the accompanying report language suggests that the Reserve be managed solely to restore the land to as much old growth forest as possible. We believe that a management goal equally, if not more, consistent with the legislative direction would be to establish a natural mosaic of old growth forest and early successional stage forest openings. At least one forest management alternative in the RMP should consider such an approach.

WMI also believes that the draft RMP should have considered an alternative that allowed for hunting and fishing. We believe that consideration of these activities is fully consistent with the authorizing legislation's mandate to provide public recreation opportunities, yet the RMP fails to consider them or offer any analysis of the potential effects of such activities.

9-2

The apparent rationale for this lack of consideration and analysis is that by "restricting recreationists to existing trails, disturbance becomes more predictable to wildlife, and wildlife species will either avoid the trails or become tolerant of the nearby human activity." Even accepting that off-trail hiking, which may be associated with fishing or hunting, may have adverse consequences for some old growth wildlife species, the RMP still doesn't consider the possibility of allowing hunting or fishing in the 60 percent of the Reserve that is not old growth forest. At least one recreation management alternative in the RMP should consider such an approach.

We are pleased that the RMP addresses the need for monitoring designed to provide information on the effectiveness and consequences of actions when implementing land use decisions. WMI regularly advocates that management under the RMP's should be conducted as an experiment so that BLM will learn as much as possible about the effects of various land management activities. In particular, WMI welcomes a RMP that provides the information in Table 4-7 concerning the attributes to be monitored, the purpose of the monitoring, the specific indicators of the attribute that will be measured, the appropriate frequency and duration of the measurement, and the monitoring results that trigger a need for reevaluation of management actions. This information should be provided in every RMP prepared by the BLM because it responds to the questions of whether the land use plan decisions and NEPA analysis are still valid and whether the allocations, constraints, or mitigation measures are effective in achieving objectives.

9-3

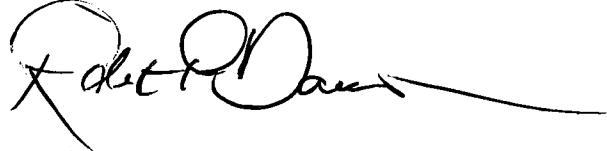
WMI is pleased also to see the commitment to develop detailed evaluations and adaptive responses when monitoring results indicate that undesired outcomes are occurring. Again, this commitment should be included in every RMP prepared by the BLM. But this RMP and others should not stop with that commitment. They should take the next step and outline the warranted range of possible adaptive responses and planning direction adjustments that may be made as a result of significant new information from the monitoring results. The public and others should have the opportunity at this stage in the process to comment on what constitutes a reasonable range of adaptive responses and planning direction adjustments. Reaching an understanding in the RMP concerning the warranted range of possible responses and adjustments also will greatly facilitate any changes in management direction that may be needed over the next decade, including significant changes that may require plan amendments.

9-4

Headwaters
August 29, 2002
Page 3

Thank you for your consideration of our comments on issues to be addressed in the Headwaters Forest Reserve RMP/EIS/EIR. Please ensure that we receive additional information, notices, documents and decisions concerning these documents at the address on this letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read "Robert P. Davison", with a long horizontal flourish extending to the right.

Robert P. Davison, Ph.D.
Northwest Field Representative



FORESTS FOREVER

973 Market St. #450, San Francisco, California 94103
Phone: 415/974-3636 FAX: 415/974-3664

Headwaters
P.O. Box 18867
Sacramento, CA 95818-8677

To whom it may concern:

Forests Forever is a non-profit environmental organization working to protect and enhance the forests and wildlife areas of California through educational legislative and electoral activities.

Our organization coalesced around the campaign to save *Headwaters Forest*. We generated crucial public pressure through thousands of letters and petition signatures to decision makers that helped result in the final acquisition of the 7,472-acre Headwaters Preserve.

Now that the Draft Management Plan (DMP) has been released, we will be collecting public comments to finalize the management plan and assign a protective designation to the Preserve. Your consideration and attention to this comment period will help ensure that the forest we fought so long for gets the appropriate level of protection as wilderness and wildlife habitat. Habitat value should be the primary focus and species recovery must be the ultimate goal.

In reviewing the DMP we support BLM's "preferred alternatives" with a few exceptions:

DESIGNATION: We support the Wilderness Study Area (WSA) designation alternatives (7A or 7B) for all lands that qualify under BLM's Wilderness Inventory and Study Procedures Handbook. This is approximately 5,885 acres, or 80% of the Preserve (7A). BLM proposes to designate only 60% of the WSA (7B), because it states that WSA designation precludes some of their proposed restoration work, which includes decommissioning many logging roads and restoring to old growth conditions land cut over by Pacific Lumber. BLM thus proposes to designate only 60% of the Preserve as WSA (7B). After observing some of the restoration projects, we favor BLM's restoration plans. We believe the restoration activities fall within the exception provided for in BLM's Interim Management Policy of Lands under Wilderness Review, Handbook 8550. We therefore favor Alternative 7A. If only 60% of the land is designated as WSA, we propose that the Management Plan allow additional areas to be brought in to WSA designation as restoration is completed. We also support State of California Ecological Reserve Designation (9A).

RESTORATION: We support IA Full re-contour Watershed Restoration, and IA Moderate-Intensity Forest Restoration. We support the stated management goals of restoring natural ecological functions and processes of old growth forests, riparian areas and aquatic habitats. Roads should be removed to the maximum extent possible from the Preserve. Roads impact natural patterns of runoff and sediment production as well as break the continuity of forest stands that is important for species such as the marbled murrelet and northern spotted owl.

Restore • Reinhabit • Re-enchant

WATERSHEDS: All streams in the Preserve that meet eligibility requirements should be considered for inclusion in the Wild and Scenic River designation. This includes Salmon Creek, South Fork Elk River and Little South Fork Elk River (8A).

10-4

PUBLIC ACCESS: Public accessibility should be contingent upon the continued survival and recovery of endangered and threatened species. Due to the regional habitat loss and potential cumulative impacts of recreational activities our recommendations for trail use are as follows:

10-5

- No new trails
- Limit hiking to the northern access (Elk River Road trail) (3C)
- No re-routing of Little South Fork Elk River (LSFER) trail
- Close the southern access trail (Salmon Pass), at least until the marbled murrelet and other endangered species have recovered to the point that they will not be imperiled. BLM's Draft Management Plan states (Pg. 3-31) that 25% of Headwaters hikers surveyed said they experienced food litter as a problem. Food litter attracts birds like ravens and crows that prey on murrelet eggs and chicks which represents one of the greatest threats to sensitive murrelet populations (3C)

RESEARCH: Limit access to day use only (no over night camping). Prohibit the use of motorized vehicles in the Preserve, including 3-wheelers and other ORV's.

10-6

Please include this as part of the public record.

Thank you,



Kristin Kirk
Development Associate

FOREST UNLIMITED

P.O. Box 195
Cazadero, CA 95421
Phone: 707-632-6070

August 31, 2002

Headwaters Comments
P.O. Box 18867
Sacramento, CA 95818-8677

Dear BLM,

The following comments are made regarding the proposed management plan for Headwaters Forest.

All lands that qualify within Headwaters should be designated a Wilderness Study Area. All streams in the Preserve should be recommended for inclusion in the Wild and Scenic Rivers program. Hiking should be limited to the Elk River Road Trail at the northern access. The southern access trail should be closed permanently. We support BLM's management goals of restoring the natural ecology of old-growth forests, riparian areas and aquatic habitats. All roads should be removed from the Preserve.

11-1

Sincerely,



Rick Coates
Executive Director

POYV & FFG
JOYCE M EDEN
10213 LOCKWOOD DR
CUPERTINO CA 95014

FRIENDS of YOSEMITE VALLEY
FOR FUTURE GENERATIONS

9/6/02

12

HEADWATERS
PO BOX 18867
SACRAMENTO CA 95818-8677

RE: DRAFT MANAGEMENT PLAN for the HEADWATERS PRESERVE

TO: BLM & DFG

It is of critical importance that the 7,472 acre Headwaters Preserve have its biodiversity and biological integrity preserved. In order to accomplish this two things must be ensured: ① That this acreage's ^{ecology} ~~to~~ not be allowed to be degraded in any way, and ② that the surrounding larger areas of redwood forest, ~~other~~ ecosystems, the rivers and streams that flow into the Preserve, and the entire watershed ~~and interests that~~

12-1

be protected. As John Muir said, "When we try to pick out anything by itself, we find it hitched to everything else in the Universe." The 7,472 acres is not sufficient to maintain an intact, healthy, functioning, sustainable old-growth redwood ecosystem. We ask the state of California, the BLM & the DFG to actively work to expand the Preserve and create ~~additional~~ buffer areas. The "Hole in the Headwaters" should be purchased & protected as an integral part of the Preserve.

12-2

- All actions should be governed by the restoration goal to return to a roadless landscape, to late seral forest conditions, an recovery of old-growth species.
- Research nor any other activity, should not further impair the forest's species. Too often chronicling & data collection

12-1
cont.

JOYCE M EDEN
10213 LOCKWOOD DR
Cupertino CA 95014

become goals ~~in~~ in themselves and interfere with the species or ecosystem being studied. This should not be justified or allowed to happen in the Preserve.

12-1
cont.

- Recreational activities will, in and of themselves, adversely affect old growth & old growth recovery. Non-pristine nearby redwood forests are more appropriate for recreation.

We cannot duplicate old-growth - it is of primary importance that it be preserved. Recreation is not appropriate in the preserve. There are plenty of other more appropriate places for recreation.

- The principles of conservation biology should be the basis for management decisions and should not be overridden by any other considerations for the Preserve. Maintaining the balance of nature by letting natural processes prevail, the diversity of species and genetic material, and natural

- evolutionary change must be the priority ~~and~~ guide & goal.
- No ~~User Fees~~ ^{Public} dollars must be the source to preserve the ^{for management} Preserve.
- We support BLM's preferred alternative with the

following exceptions:

① Watershed Restoration: Alt 1A: Full - Recantone Watershed Restoration (Preferred)

12-3

② Forest Restoration: alt 2A: Moderate - Intensity Forest Restoration (Preferred)

③ Recreation, S. Access: Alt 3C - No Southern Access

④ Recreation, Trail System: 42 - No new old growth trails; if Salomon ch remains, limit to decent trails.

⑤ Recreation Bicycle Use: 5C - No bicycle use (Preferred)

⑥ Recreation, Equestrian Use: 6C - No Horses (Preferred)

⑦ Special Area Designation: Wilderness Study Area - 7A: 80%

⑧ Special Area Designation: Wild & Scenic Rivers: 8A - all eligible streams

⑨ Special Area Designation, Ecological Reserve: 9A - State Designation (Preferred)

⑩ Remove the Headwaters Forest Preserve.

THANK YOU, JOYCE M EDEN FOR FRIENDS OF YOSEMITE VALLEY and FOR FUTURE GENERATIONS

NORTH COAST ENVIRONMENTAL COUNCIL

POB 571 KENWOOD CA 95452

CONCERNING HEADWATERS FOREST:

☒ Please do not allow unleashed

Dogs on the Elk River Trail.

☒ Please work towards formal designation of:

- SOUTH FORK ELK RIVER.

- LITTLE SOUTH FORK ELK RIVER.


- AND SALMON CREEK,

AS WILD + SCENIC RIVERS.

- T McCLURE

The NorthCoast Environmental Summit

Who are the people who are taking a stand for the Forests and the Wildlife here on the NorthCoast? Who are the people? Who are the people who are protecting the Coho Salmon here on the NorthCoast? Who are the people taking a stand for the Ancient Old Growth Redwood Forests that are found nowhere else in the world and the Endangered Species that are dependent upon them? Who are the people who care about our Rivers ?





August 14, 2002

Lynda Roush
Manager, BLM Arcata Field Office
1695 Heindon Rd.
Arcata, CA 95521

Re: Comments on the Draft Management Plan and Accompanying EIS/EIR for the Headwaters Forest

Dear Ms. Roush:

This letter represents the official comments of the BlueRibbon Coalition (BRC), a national recreation group, on the Draft Management Plan and accompanying environmental impact statement/environmental impact report (EIS/EIR) for the Headwaters Forest.

As you know, the BRC represents both motorized and non-motorized user groups which have an interest in access to the Headwaters Forest. However, these comments will only be advocating for our mountain-bike, equestrian, and general use hiking members. This letter does not preclude other BRC members or affiliate organizations from submitting their own comments.

14-1

Normally, I would go through the document associated with the Plan and EIS/EIR and comment on relevant sections. However, I feel the "closure oriented" preferred alternatives (which ban horseback riding, bicycling, camping, swimming, and casual day hikes) are fatally flawed so I will ask that the entire process be withdrawn and a new set of preferred alternatives be developed that include a reasonable balance between recreation and preservation. The two should not be mutually exclusive. The implementation of your closure alternatives would be a tragic misuse of almost 1/2 billion dollars of taxpayer funds that were used to "buy this land for the public"

Regardless of whether you withdraw and reissue the Plan or if you do a substantial overhaul of the preferred alternatives within the current public process, I ask that you make a strong commitment to the trail community and consider developing a user committee of hikers, mountain bikers, and equestrians to look at developing a quality system of multi-use trails in the Forest.

I believe that a number of looped trail opportunities could be developed using existing logging roads and connecting them with new trail construction. Some of these new trail systems could be "companion trails" that parallel existing and more developed roads in the Forest. I have attached a draft map with potential routes outlined with an orange marker.

14-2

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AUG 16 2002

BLM ARCATA FIELD OFFICE

Page 2

Please feel free to contact me if you have any questions.

Sincerely,

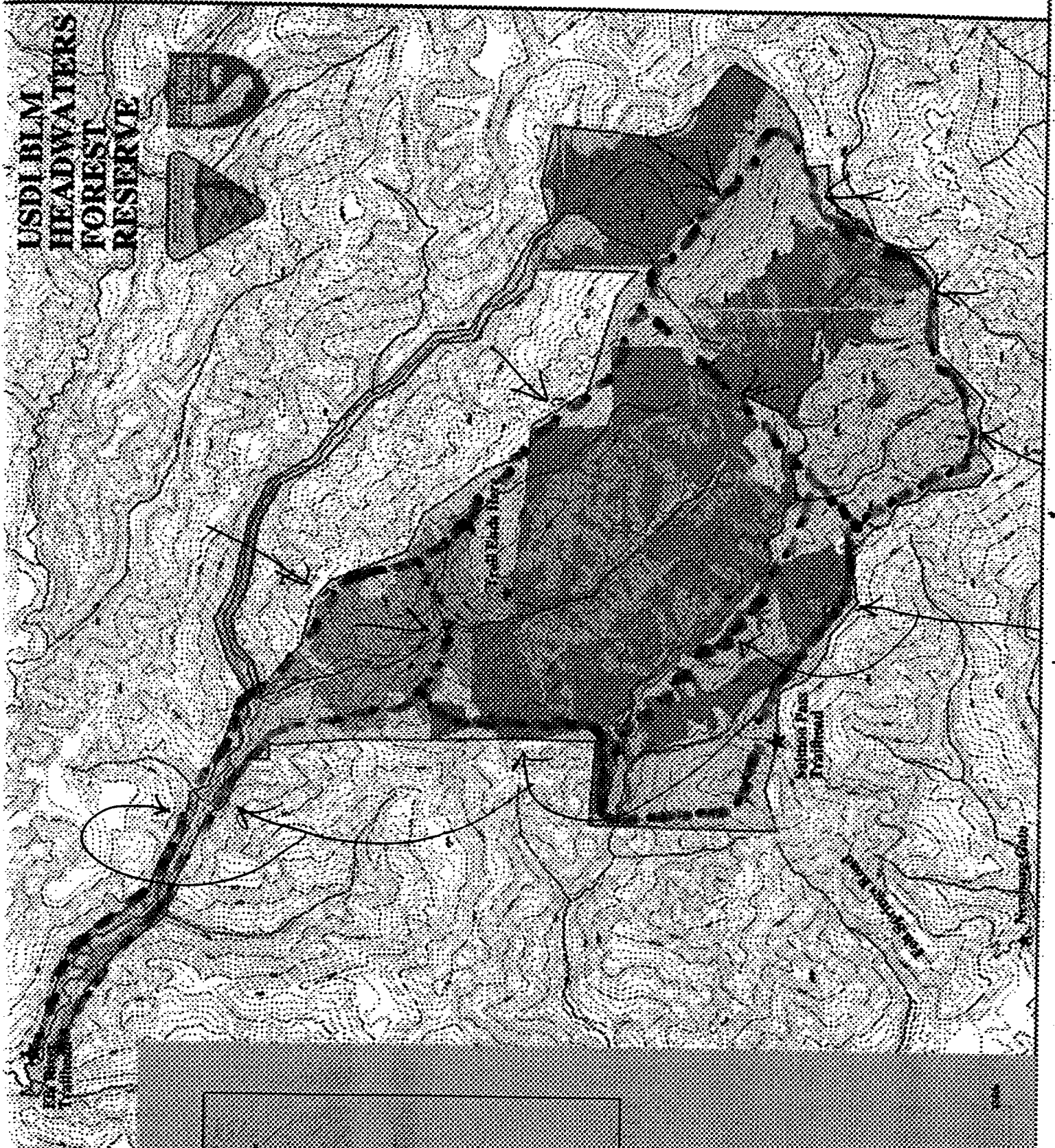
A handwritten signature in black ink, appearing to read "Don", with a stylized flourish at the end.

Don Amador
Western Representative
BlueRibbon Coalition, Inc.
555 Honey Lane
Oakley, CA 94561
925.625.6287 Office

cc: Chairman Bill Young
Chairman George Radanovich
Chairman Richard Pombo
BLM Director Kathleen Clarke
Humboldt County Board of Supervisors
CA BLM Director Mike Pool
IMBA
Backcountry Horsemen of California
Resource Education Network
CEQ NEPA Review Team
Clarke Guzzi, Humboldt Access Advocate

Attachment: Proposed Trail Map

USDI BLM
HEADWATERS
FOREST
RESERVE



New Trails



Antelope Valley Trails, Recreation & Environmental Council

P.O. Box 3531

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A 501 C-3 Non Profit Organization

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On Track

Headwaters,

P.O. Box 188677

Sacramento, CA 95818-8677

Dear Sir,

I have been directed by my board to write this letter in support of equestrian recreation use on the Elk River Trail head and Corridor Trails. We are concerned about our right to use our public lands. The Bureau of Land Management and the Department of fish and Game want to restrict or remove horses, and bicyclists from lands that are presently open for recreation. We would like to see historic equestrian recreation continue on lands identified as "Headwaters".

With this letter I am sending a comment form that states management alternatives that we are in agreement.

AVTREC represents 250 members and supporting groups. Please accept our comments.

Sincerely,

Elaine Macdonald

Elaine Macdonald
president, AVTREC

15-1

15-2

September 1, 2002

COMMENT FORM**Headwaters Forest Management Alternatives**

Contacts: Paul Roush, proush@ca.blm.gov, 707 825-2313
Joseph Fontana, jfontana@ca.blm.gov, 530 252-5332

The Bureau of Land Management (BLM) and California Department of Fish and Game (DFG), which co-manage the Headwaters Reserve will be accepting comments on the draft plan and EIS/EIR until September 6, 2002.

Please record the following the alternatives that I recommend for approval and those I do not recommend be adopted. I formally protest those alternatives that were included in the draft plan that are in violation of the legislation authorizing creation of the Reserve. They should not have been included for consideration.

15-2
cont.

Management Alternative	Recommend Approval	Do not adopt in Plan
1A: Full Recontour Watershed Restoration		No
1B: Hydrologic Stabilization Watershed Restoration		No
1C: No Additional Watershed Restoration	Yes	
2A: Moderate Intensity Forest Restoration		No
2B: Low Intensity Forest Restoration	Yes	
2C: No Forest Restoration		No
3A: Southern Access Available to Individual Vehicles	Yes	
3B: Southern Access Confined to BLM Tours		No
3C: No Southern Access		Violation - No
4A: Extensive Old-Growth Contact Experience	Yes	
4B: Limited Old-Growth Contact Experience		No
4C: No Old-Growth Contact Experience		Violation - No
4D: Existing Trail System		No
5A: Bicycle Use on Wider Trails	Yes	
5B: Bicycle Use in Elk River Corridor	Yes	
5C: No Bicycle Use		No
6A: Equestrian use on Elk River Trailhead trails	Yes	
6B: Equestrian Use on Elk River Corridor Trails	Yes	
6C: No Equestrian Use		No
7A: Entire Wilderness Inventory Area Designated WSA		No
7B: Exclude Younger Harvest Stands from WSA		No
7C: No WSA (Wilderness Study Area)	Yes	
8A: All Eligible Streams recommended for WSR		No
8B: No Streams recommended for Wild & Scenic	Yes	
9A: Ecological Reserve Designation recommended		Violation - No
9B: No Ecological Reserve Designation	Yes	
10A: Universal User Fee		No
10B: BLM Sponsored Tour User Fee	Yes	
10C: Non-Tour User Fee		No
10D: No Fees	Yes	

Signed:

Diane Macdonald / Antelope Valley Trails, Recreation & Environmental
Address: *Casimiro*

Mail to: Headwaters, P.O. Box 188677, Sacramento, CA 95818-8677 and on



California Equestrian Trails & Lands Coalition

Charles (Toby) Horst, Chairman
36281 Lodge Road
Tollhouse, CA 93667

July 30, 2002

Headwaters Forest Reserve
P.O. Box 188677
Sacramento, CA 95818-8677


Subject: BLM Management Plan for the "Headwaters Forest Reserve"

The California Equestrian Trails and Lands Coalition, a California statewide coalition of equestrian groups representing more than 40,000 members, has some serious concerns with the Headwaters Forest Reserve Management Plan. The Coalition has several equestrian groups located in the general area that have fed back their views related to the July 16th meeting in Humboldt County Library. The comments are as follows:

1. The exclusion of equestrian (horses) users from the plan is definitely discriminatory and the reasons given are flawed. You're mentioned "conflicts" and the intention to allow only hikers to use the Reserve are also flawed. This is a 7000-acre area and we agree needs restoration but to exclude a large user group such as equestrian users without good peer reviewed science and based on conflict is illogical and definitely discriminatory. Our local groups are more than willing to work with the BLM team to resolve reasonable differences. Your view of trails to handle horses is exaggerated and is not supportable with facts. Many public land areas have joint use trails that are managed very effectively and surveys show few conflicts exist except for a very few individuals. 16-1
2. You list manure as one of the reasons this sensitive environment should not be exposed to equestrian activity. Where is your peer-reviewed science that supports this contention? Horse manure is the most benign animal elimination that exists and breaks down very rapidly. The sensitivity of some hikers is a personal perspective and not based on factual data. Trailhead rules can be established that all equestrian users remove their equestrian manure when they leave. This is a reasonable request. 16-2

Conclusion: We are concerned that your intentions are to not consider recreational uses seriously. To suggest only guided tours as the method to introduce public activity to the reserve, is again very restrictive and with out foundation. You seem to view this land mass as some BLM mandate to create a "preserve" rather than a reserve. This is not the intention of the federal moneys that purchased the property. We respect and support your intentions to restore the land area to a healthy ecological area. It is your biased view of recreational uses that concern our groups. We strongly suggest you reconsider your plan intentions and allow the recreational public, taxpayers who purchased this land, to have general access for all reasonable users. Fragile ecological areas can be individually designated and not be included for equestrian uses. This would obviously not be the total 7000 acres but normally sensitive riparian zones. 16-3

Respectfully:


Charles (Toby) Horst, Chairman

Cc: Local Federal Representatives

July 16, 2002

Ms. Lynda Rousch
Bureau of Land Management
Arcata Field Manager
1695 Heindon Road
Arcata, CA 95521

Dear Ms. Rousch:

I am here on behalf of the Back Country Horsemen of California to express our opposition to the preferred alternative for the Headwaters Forest Reserve Resource Management Plan/EIS/EIR. I am also here under the specific authorization of Mr. Toby Horst, BCHC representative of the California Equestrian Trails and Lands Coalition (CET&LC is now 50,000 strong), which also opposes the preferred alternative.

The alternative preferred by both the Back Country Horsemen of California and the California Equestrian Trails and Lands Coalition is Alternative 6A which would accommodate equestrian use on the Elk River Corridor Trail and Little South Fork Elk River Trail.

17-1

I have attached a copy of the Back Country Horsemen of California Policy regarding wilderness and public lands acquisition, access and management. The policy states that BCHC does not support any new wilderness designations unless equestrian access is included in the management plans. BCHC does not support any public lands management plans that exclude equestrian use except in very fragile, limited areas.

BCHC is also opposed to paying "user" fees for access to public lands which already belong to the public. A copy of the letter sent to local and regional agencies regarding "user" fees is also attached.

17-2

Equestrian opportunities in the local recreation area are limited and we oppose any public lands plans which exclude equestrians. No group should be excluded from access to any public lands. These lands were purchased with taxpayer monies and all taxpayers should have access, including equestrian users.

17-3

Sincerely,

Carole Polasek

Carole Polasek
President
Redwood Unit, BCHC

On March 8, 2002 the Backcountry Horsemen of California Board of Directors approved the following wilderness policy.

The BCHC will not support any new wilderness designations until the following is adopted for all existing and proposed wilderness areas.

1. There shall be no curtailment in the amount and distribution of recreational saddle and pack stock use, and grazing incidental to that use, in existing wilderness. Nor should social values, norms and preferences of other wilderness users be used as a reason by administrators to restrict, phase out, or eliminate recreational stock use, grazing by recreational stock or trails and associated trailhead facilities of a sufficient standard to accommodate that use.
2. The numbers of recreational stock use days in wilderness will not be reduced below approximate levels existing at the time an area was designated as wilderness. If total use is allowed to increase beyond that which existed at the time of classification, recreational stock use will be allowed to increase at a rate proportionate to that which existed at the time of classification. If, through monitoring for a period of not less than five years, administrators determine that the capacity of a wilderness area has been exceeded, differing classes of uses will be reduced proportionately to that which existed at the time of classification.
3. It is recognized that there may be limited areas where the terrain is so fragile that recreational stock use may have to be restricted or prohibited. These will be the exception and will be determined by site specific analysis based on biological and physical criteria rather than subjective social preferences of other wilderness users.

BackCounty Horsemen of California

Barbara J. Ferguson
Vice President Public Lands
32352 Auberry Road
Auberry, CA 93602
Phone & FAX 559 855-2125

January 3, 2002

Regional Forester Blackwell &
California Forest Supervisors

REGARDING: Recreational Fee Demonstration Program

At the direction of the Public Lands Committee of the California Backcountry Horsemen of California (BCHC) you will find attached the letter sent to then Secretary of Agriculture, Dan Glickman on February 21, 2000 outlining the reasons for the BCHC opposition to Recreational Fees.

Our lack of support is supported by the conclusions of the GAO Report (GAO-02-10) dated November 2001. This report sited several long standing problems with the fee demonstration program and noted that even though action on these problems was promised by the agencies as early as 1998, the same problems persist.

We are aware that this program is due to sunset on September 30, 2004 and we will be working with our legislative representatives on this issue.

Sincerely,

Barbara J. Ferguson
Vice President, Public Lands
Backcountry Horsemen of California

Enclosure

Back Country Horsemen of California
P.O. Box 40007
Bakersfield, Ca. 93384-0007

February 21, 2000

The Honorable Dan Glickman
Secretary of Agriculture
U.S. Department of Agriculture
Room 3220-A Administration Building
14th and Independence Avenue S.W.
Washington, D.C. 20250

Dear Secretary Glickman;

Back Country Horsemen of California oppose the Adventure Pass and related Trailhead / Wilderness Fee Demonstration Programs initiated by congress in 1996. We are an organization that works diligently to insure that public lands remain open to recreational stock use. In California the annual contribution of our 4400 members has grown to nearly \$1 million in labor and materials for our trail systems. In addition we donate thousands of man hours and dollars in educational programs which encourage use of low impact skills and preservation of our public lands for future generations. We support the need for adequate funding by Congress for our National Forests. We conclude that the Adventure Pass and it's related Fee Programs are not the correct answer to the need for funds for the following reasons.

- 1- The historical value that provides families the opportunity to visit our public forest lands free of charge will be forever lost. With the advent of these Fee Programs a family on vacation is no longer able to enjoy the splendors of nature in our Public Lands without fear of being harassed by an officer demanding possession of a PASS. Those not in possession of this PASS may suffer the penalty of a ticket.
- 2- The historical value of a Forest Ranger known among fellow users as an aid and educator will be forever changed. The new role of forest personnel will be "code enforcement official".
- 3- There is guarantee is provided in these programs that prohibit Congress from future budget cuts to our forests commensurate with the fees collected. It seems likely that moneys collected could eventually supplant rather than supplement the normal forest budgets and result in no net gain for the forest.
- 4- Wilderness and primitive areas should be exempt from any fee program.

Admission fees to these public lands are not acceptable. Rare exceptions may include high use areas and attraction sites that require maintenance and services much higher than normal. In Which case, fees collected should bve used for campsite trial, and trailhead maintenance and improvement.

The 4400 plus members of Backcountry Horsemen of California are asking that the Adventure Pass and related Trailhead / Wilderness Fee Programs be canceled. These nationwide Recreation Fee Programs should not be renewed upon expiration of current authorizing legislation. We support the allocation of adequate funding to the forest systems by Congress from our current taxes.

Respectfully submitted,

Tom Stovall, President

June 2, 2002

Mr. Lou Woltering, Forest Supervisor
Six Rivers National Forest
1330 Bayshore Way
Eureka, CA 95501

Dear Mr. Woltering:

Enclosed you will find two letters written under authority of the Backcountry Horsemen of California regarding the proposed "trailhead and adventure pass" fees. These letters were sent to the Secretary of Agriculture and the Regional Forester, Region 5.

The Redwood Unit of Backcountry Horsemen of California would like you and your District Rangers to know we respect your position and authority to carry out direction from both the Region and Washington offices. We are also aware of the importance of public involvement.

It has come to our attention that a meeting focused on implementing permanent user fees was held in Portland, Oregon and was closed to the public. As a concerned public, our group supports the recommendations set forth in the enclosed letters. We do not want to be perceived as a confrontational organization. As you are aware, the Redwood Unit has been instrumental in constructing stock corrals at Stanshaw trailhead and Wooley Creek, and maintained the water system at Stanshaw trailhead in the Marble Mountain Wilderness. We have also entered into a partnership to maintain the historically important "Fowler" cabin. For the past ten years our group of volunteers have kept the west side trails in the Marble Mountain and Trinity Alps Wilderness passable for stock users and backpackers.

It is our contention that "fees" to use our public lands is both unfair and discriminatory, not to mention "double taxation."

We have no quarrel with user fees at developed campground sites but adamantly oppose any attempt to turn the National Forests into a defacto National Park. We support multiple use of our natural resources while stressing low impact and "leave no trace" techniques. Trusting that you and your staff will heed the voices of reason and act in a responsible manner.

We would appreciate your reply to our concerns.

Sincerely,

Carole Polasek, President
Redwood Unit, BCHC

Enclosures



International Mountain Bicycling Association PO Box 7578 Boulder CO 80306 USA 303.545.9011 www.imba.com

September 6, 2002

Headwaters
PO Box 188677
Sacramento, CA 95818-8677

IMBA COMMENTS ON HEADWATERS FOREST RESERVE DRAFT RESOURCE MANAGEMENT PLAN/EIS/EIR

The International Mountain Bicycling Association (IMBA) strongly objects to the disparaging and inaccurate statements about mountain biking included in the Draft Headwaters Forest Reserve Resource Management Plan. We believe mountain biking may be an appropriate activity on some trails of the Reserve.

18-1

The Plan offers three alternatives for bike use. Among those, IMBA supports a modified Bicycling Alternative 5A, with the addition of the Western Periphery Trail and the deletion of the requirement that these trails be "wide." We also support a modified Trail System Alternative 4A that would not include the Historic Military Ridge Trail, which cuts through the middle of the main old growth forest.

If, however, BLM chooses to manage the forest for foot recreation only, there is no need to justify this choice through unsubstantiated claims against bicycling. We insist that the tone and ideas be changed in the final plan to reflect a better understanding of bicycling and bike management. This draft Headwaters plan is inconsistent with the tone and information presented in the BLM 2002 National Mountain Bike Strategy.

18-2

IMBA is a national and international education and advocacy organization with 450 member clubs, 32,000 individual members, and more than 400 corporate partners and dealer members. IMBA creates, enhances, and preserves trail opportunities for mountain bikers worldwide.

IMBA provided scoping comments for the Reserve planning process in August, 2000.

Opponents of mountain biking have historically argued that biking is bad for wildlife, for vegetation, for trails, and for other people. The BLM Headwaters Reserve Draft Plan repeats these some of these allegations without substantiation. IMBA strongly disputes the first three allegations. The fourth, conflict with other people, is legitimate, and we believe it is the *real* reason some people oppose bicycling in some areas. But land managers can take a positive, progressive approach to bicycling management that minimizes user conflict and broadens the constituency that supports public lands, conservation, and agency budgets.



The plan misrepresents the character of bicycling

The bias in the Draft Plan shows most clearly in its statement that mountain bicycling "is generally less compatible with the emphasis at the Reserve on the more contemplative activities...." (pg. 6-29) This statement ignores the fact that many mountain bicyclists often experience a form of contemplation as they ride. The concentration and physical exercise involved, combined with an awareness of the vegetation, scenery and wildlife, offer huge potential for connection with Nature. This is a key reason why mountain biking is a popular activity. It inspires many mountain bikers to become strong proponents of political action for conservation.

18-3

Contemplation is a type of psychological experience that is good, but it is not the only way to enjoy Nature. We strongly question whether it is within the prerogative, or perhaps even within the legal authority, of the BLM to mandate that the only kind of experience acceptable at the Headwaters Reserve is "contemplative." How would contemplation be monitored? Is running okay?

The same paragraph on pg. 6-29 states, "Mountain biking is an outdoor activity that emphasizes exercise and, on downhill trail segments, speed." This is only partially true. Many riders go very slow and are even afraid of speed. "It involves relatively rapid passage through surroundings..." This is true in relation to hiking, but not in relation to motorized travel. Going uphill, cyclists may travel as slow as hikers, and slower than horses. In any case, managers can control bicyclists' speed through speed limits or, better yet, trail design.

We wish to assure the BLM that mountain bicyclists appreciate Nature, and that we are capable of experiencing the grandeur and beauty of the Headwaters Forest from a bicycle. Hiking is not the only type of recreation that allows a visitor to appreciate Nature.

The plan arbitrarily, without science, assumes that bicycling conflicts with wildlife preservation

In Appendix J, the plan states, "The use of bicycles on such narrow, steep trails would also harass or create hazards to the Reserve's wildlife." (pg. J-2) The Plan offers some harsh language on page 6-20: "Although it is unlikely, bicycle use within the Reserve has the potential to suddenly disturb, injure, or kill wildlife."

18-4

The plan offers no evidence for this extraordinary claim, and even contradicts these notions with its statement, "However, scientific studies have not been found that address the potential for bicycle use to impact wildlife." (6-20)

IMBA strongly objects to the assertion that bicycling would harass wildlife. While we believe bicycling affects wildlife, so does hiking, horseback riding, and just about every other form of human activity. More relevant to management decisions is relative impact.

It is beyond BLM's capability at this time to reasonably assert that bikes are worse for wildlife than hiking. There is no science to demonstrate this, and IMBA challenges BLM to provide solid evidence of this assertion. What limited science does exist shows otherwise. Birdwatchers who approach closely and watch carefully, and hikers who travel cross-country, can cause as much or more wildlife disruption than



bicyclists who stick to trails and move through in predictable patterns. Why does BLM choose such harsh language for bicycling, but not hiking?

(For examples see: Papouchis, Christopher M., Singer, Francis J., Sloan, William B., "Responses of Desert Bighorn Sheep to Increased Human Visitation," *Journal of Wildlife Management*, 65(3):573-582; and Spar, Robin, "Factors Affecting the Distribution of Bald Eagles and Effects of Human Activity On Bald Eagles Wintering Along The Boise River," Masters thesis for Boise State University, March, 1990.)

18-4
cont.

The Plan shows bias in its assertion that bicycles should be banned from the Headwaters Forest Reserve because of wildlife impacts, yet it plans to allow dogs *off leash* on the Elk River Corridor Trail. This management plan component suggests that BLM should revisit the research on recreation and wildlife.

The Plan notes, "Wildlife effects have been cited by managers of Mount Tamalpais State Park as a concern in bicycle use management at that site (May pers. comm.)." This undermines the overall credibility of the assertion by selectively citing observations from the one locale where bicycle access has been more controversial than anywhere else in the world. The BLM as a whole has rich, positive experience managing bicycling on its lands, so Headwaters managers should inquire more widely.

Since all recreation will be limited to on-trail, and since most of the Reserve will not have trails, there is no question that BLM is fulfilling its mandate to preserve the ecosystem. We think BLM can, if it wants to, effectively manage human recreation to avoid wildlife impacts.

The plan incorrectly asserts that bicycling is a significant problem for trail surfaces

On page 6-34, the Plan asserts, "Bicycle use also affects trail surfaces to a greater degree than hiking, tending to dislodge more sediment and increase sediment yield during precipitation events." IMBA challenges the BLM to prove this. To the best of our knowledge, there has been only one scientific study that attempted to test that hypothesis. The Seney/Wilson study could not differentiate the relative erosion caused by hiking and biking. (Wilson, John P. and Seney, Joseph P., "Erosional Impact of Hikers, Horses, Motorcycles, and Off-Road Bicycles on Mountain Trails in Montana," *Mountain Research and Development*, Vol. 14, No. 1, 1994, pp. 77-88)

18-5

IMBA believes that trail erosion can be minimized through proper trail design and maintenance, and cyclists are usually eager to help in both regards. IMBA would be glad to offer the services of our Trail Care Crews to help BLM design the new trails in the Reserve. With the extensive work planned for decommissioning roads, and for road-to-trail conversions, there is plenty of opportunity to build trails correctly so that they can accommodate shared use and not cause watercourse sedimentation.



The Draft Plan also fails to fully understand management of bicycling.

In Appendix J, the Plan dismisses the idea of allowing bikes on all trails because, "Bicycle use... must be limited to gently sloping trails, where high speed is least likely (e.g., Elk River Corridor trail), or at least to wide trails, where visibility and opportunity to avoid collision is improved." (pg. J-2)

18-6

Regarding proper trails for bicycling, visibility does assist in preventing collisions, but it also promotes speed. Wider trails also promote speed compared to narrow trails. IMBA has learned through experience that tight, twisting trails cause bicyclists to travel slower. It's easy to design trails that both reduce speed and help avoid collisions. But the proper methods do not involve wide, straight routes.

The bias against bicycling is demonstrated in the section on equestrian travel. The Plan asserts that equestrian travel "would not pose a safety hazard to other users." (pg. 6-30) We disagree. Some horses are poorly trained. Horse/hiker interactions can be quite frightening and horses can cause great harm to humans, even death. This is not to argue that horses don't belong in the Reserve. We think they do have a place. Rather, we observe that the Draft Plan has grossly generalized that bicycling presents an unmanageable safety issue, while equestrian travel does not, when the truth is much more complex and equivocal.

18-7

While we acknowledge that some hikers are disturbed or frightened by bicyclists, collisions almost never occur. We challenge BLM to provide documentation of actual collisions between cyclists and hikers on trails around Eureka, California.

18-8

User conflict is the real issue at hand. The Draft Plan essentially states this at page 6-34: "[Alternative 5a] would present a potential adverse effect on hikers and equestrians by increasing the risk of collision or panic response.... It would also present the potential to disrupt other recreation tours or individual contemplation in the Reserve." The Draft Plan has chosen to favor hiking, favoring the hiking-only policies that hikers often desire.

18-9

IMBA supports the provision of some hiking-only trails to accommodate hikers who have difficulty or simply dislike sharing trails. But there needs to be balance. BLM is a multiple-use agency with a responsibility to balance the desires and needs of legitimate public land users.

Better management solutions are available

It is entirely possible for the BLM to avoid this conflict between recreation and conservation simply by offering a more flexible approach to the general management plan to the Headwaters Forest Reserve. For example, BLM is planning guided hiking trips into some areas of the Reserve. Such travel could also occur on bicycle or horseback. In Orange County, the Nature Conservancy has a trained crew of docents who take people into a preserve on bicycles. Why can't BLM adopt a similar approach?

18-10

The plan maintains that Bicycle Use Alternative 5A requires Southern Access Alternative 3A, which allows private, individual access to the south side of the Reserve. IMBA suggests that it is entirely possible for BLM to conduct guided bicycling tours in the southern area, allowing Alternative 5A to be compatible with the plan's preferred Alternative 3B.

18-11



The plan could also allow bicycling and equestrian travel at certain times of the day, week or year. This solution is working well on trail systems in North Carolina and Utah.

18-10
cont.

Instead of stating that bicycling and equestrian travel will absolutely not occur, the Plan could simply state that it will not occur initially, but it will continue to be considered. Instead of stating that trails will not be built into the main old-growth stands, the Plan can state that trails will not be built there at this time.

18-12

The Draft Plan notes the possibilities for constructing trails that do not cause sedimentation of streams. It talks about possibly managing horse travel to ensure that the animals don't bring in foreign organisms. These are positive solutions that should be implemented.

18-13

For a positive approach to managing user conflict, see: Moore, Roger L., "Conflicts on Multiple-Use Trails: Synthesis of the Literature and state of the Practice, *Federal Highway Administration, Intermodal Division*, Report No. FWHA-PD-94-031, August, 1994.

Regarding the designation of a Wilderness Study Area, the plan prefers a reduced area of less than 5,000 acres in order to facilitate vegetative management. IMBA supports a modified Alternative 7B. The Plan should slightly move the WSA's western boundary a small distance eastward to allow for possible construction of the Western Periphery Trail, which could allow visitors longer recreation experiences and a non-motorized connection of the north and south sides of the Reserve. The Western Periphery Trail would thus mitigate some of the impacts of automobile traffic on the Newburg Road.

18-14

The Draft Plan does not balance preservation and recreation

Table 3-11 attempts to establish that there are plenty of recreation opportunities for equestrians and mountain bikers in the region. The central question is not whether bicyclists have sufficient recreation opportunities in the region, but rather whether bicycling is an appropriate and sustainable activity with the Headwaters Forest Reserve.

18-15

Nonetheless, Table 3-11 is flawed. The table fails to differentiate trails from roads. Its tallies include trails that are "flat, paved." It fails to note whether or not these paths provide views of old-growth redwood trees. It does not explain the meaning of its "quality of trail" category. Does "high" mean the singletrack opportunities that hikers, equestrians and cyclists all seek? Or does it mean wide, fire roads? Some of the opportunities are a long distance from Eureka and Arcata. It appears that public lands close to that urban area are very limited and it is probably difficult for residents to find trail adequate opportunities for close-to-home, outdoor recreation experience. Thus the Headwaters Reserve could be quite valuable for its potential recreation opportunities, as well as its ecological preservation values. The table, it seems, attempts to dismiss this idea.

18-16

The citizens of the United States paid tens of millions of dollars for this land, and BLM now proposes to exclude them from its primary feature. While most Americans -- including nearly every mountain biker -- rejoice that our federal government has purchased this land and saved incredible trees and ecosystems, preservation alone is not sufficient.

18-17



IMBA does not seek access to all trails in the Reserve, but we strongly object to the tone, attitude and approach BLM is taking in this Plan. It is a poor balance of recreation and preservation. The extreme bias in favor of "contemplative" hiking and against bicycling and equestrian travel in the Reserve is unacceptable. The Draft Plan needs a new approach to recreation management.

18-17
cont.

Sincerely,



Tim Blumenthal
Executive Director

